

1                   IN THE UNITED STATES DISTRICT COURT  
2                   NORTHERN DISTRICT OF ILLINOIS  
3                   EASTERN DIVISION

4                   UNITED STATES OF AMERICA,                   }

5                   Government,                                    }

6                   vs.    }

7                   ROD BLAGOJEVICH,                            }

8                   ROBERT BLAGOJEVICH,                        }

9                   Defendants.                                    } No. 08 CR 888  
10    } Chicago, Illinois  
11    } June 24, 2010  
12    } 9:41 o'clock a.m.

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9    } VOLUME 14  
10    } TRANSCRIPT OF PROCEEDINGS  
11    } BEFORE THE HONORABLE JAMES B. ZAGEL  
12    } AND A JURY

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For the Government:

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Court Reporter:

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1 (The following proceedings were had out of the  
2 presence of the jury in open court:)

3 THE CLERK: This court resumes with the case  
4 on trial.

:41AM

5 MR. GOLDSTEIN: Good morning, Your Honor.  
6 Aaron Goldstein on behalf of Rod Blagojevich.

:41AM

7 Your Honor, we have just recently filed a  
8 motion for continuance. As I'm sure you well know,  
9 the Supreme Court handed down the decision on honest  
10 services.

:41AM

11 THE COURT: The one I'm holding in my left  
12 hand?

13 MR. GOLDSTEIN: I believe so, Your Honor.  
14 I think our count was an approximately  
15 114-page decision.

:41AM

16 We're asking for a continuance as we have  
17 requested several times before Your Honor for a  
18 continuance until the ruling of honest services.  
19 Your Honor had suggested that if the ruling came in  
20 the middle of trial, that you would be amenable to a  
21 stay at least for a couple of days.

:42AM

22 What we're asking for is that you continue it  
23 until Monday or Tuesday, and we need to digest this,  
24 the Supreme Court opinion, and then file any  
25 appropriate motions.

1           THE COURT: You can have all the time you  
2 want to while they are finishing their direct of  
3 this witness.

4           MR. GOLDSTEIN: If I may, Your Honor,  
:42AM 5 Mr. Harris is testifying to potentially a lot of  
6 honest-services related conduct.

7           THE COURT: He's testifying to facts, and  
8 that's all we're dealing with here is the facts.

9           The law issue, what I have to do with instructions,  
:42AM 10 what I tell the jury what to make of the facts, is  
11 quite a ways off. And at least my preliminary  
12 reading of Skilling, it may not offer a lot of hope  
13 for you. But we'll see.

14           I do not believe that if they have declared  
:43AM 15 1346 unconstitutional on its face, my belief is is  
16 that it would not change the nature of this  
17 testimony and what would be admitted.

18           So the motion for continuance is denied.

19           MR. GOLDSTEIN: Your Honor, could we have a  
:43AM 20 standing objection as to the testimony of Mr. Harris  
21 at this point because we don't know what 8testimony  
22 will be related to the opinion that we've just  
23 received right now.

24           THE COURT: For some reason you keep  
:43AM 25 confusing fact with law. He's testifying to a bunch

1 of facts. And the facts, so far as I understand it,  
2 would be relevant to at least some of the charges  
3 which are contained in the superseding indictment,  
4 and all that we're debating about is, on what counts  
5 could this be used or not used. The evidence is  
6 going to come in anyway, which is why I'm not  
7 stopping it.

8 So the motion for continuance is denied and  
9 you have a standing objection to this testimony  
10 until Monday morning.

11 MR. GOLDSTEIN: Thank you.

12 MR. SCHAR: Thank you, Judge.

13 THE COURT: Put the witness on the stand.  
14 (Brief pause).

15 THE MARSHAL: All rise.

16 (The following proceedings were had in the  
17 presence of the jury in open court:)

18 THE COURT: You may resume.

19 MS. HAMILTON: Thank you, Your Honor.

20 A this time I'd ask permission to continue  
21 publication of the call sessions behind tab 33.  
22 when we left off yesterday afternoon we were at  
23 Page 29, line 31, and I'd ask to publish starting  
24 there until the end of the call.

25 THE COURT: You may do so.

1 MS. HAMILTON: Thank you.

2 And I'll just repeat for the jury in this  
3 case they didn't hear me, it's tab 33, Page 29.

4 (Tape played)

:47AM

5 JOHN HARRIS, GOVERNMENT WITNESS, PREVIOUSLY SWORN  
6 DIRECT EXAMINATION resumed

7 BY MS. HAMILTON:

8 Q Mr. Harris, I'd like to direct your attention to  
9 Page 30 of the transcript behind tab 33.

:08AM

10 Are you there?

11 A Yes.

12 Q And, specifically, I want to direct your  
13 attention to lines 4 through 6, you say:

14 "Yeah, but I mean, we haven't, we haven't  
15 approached them on it yet, we talked to Doug a  
16 little bit."

17 who's Doug?

18 A Doug Scofield who is a consultant for SEIU.

:08AM

19 Q Now, you testified previously that you had a  
20 general conversation with Mr. Scofield and asked him  
21 questions about the Change to Win idea, is that  
22 right?

23 A Yes.

24 Q In addition to that, did you have another  
25 conversation with Mr. Scofield about the Change to

:08AM

Harris - direct by Hamilton

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1 win idea?

2 A Yes.

3 Q And approximately when was that?

4 A That was following the meeting the Governor had  
:09AM 5 with Tom Balanoff in his office in Chicago after the  
6 Governor called in myself and others to debrief us  
7 on how the meeting with Mr. Balanoff went.

8 Doug Scofield and I remained behind at the  
9 Governor's request and we talked a little bit more,  
:09AM 10 the three of us, about the change to win idea.

11 Q And when is it that the three of you talked about  
12 at that time?

13 A The Governor asked what he thought a position  
14 like the one being described or discussed would pay.  
:09AM 15 And Doug told the Governor that he agreed with my  
16 assessment that the position would pay about what  
17 Tom Balanoff makes as an officer in the union.

18 Q And did Mr. Scofield give any monetary figure as  
19 to what he believed Mr. Balanoff made?

20 A Between 125,000 and 150,000.

21 Q What, if any, reaction did Defendant Blagojevich  
22 have to Mr. Scofield saying Mr. Balanoff made  
23 between 125 and 150,000?

24 A He was disappointed.

25 Q Did he say anything else?

1 A "Well isn't there any way to pay more," he asked  
2 Doug.

3 Q Did Mr. Scofield have any response?

4 A "Not that I recall," or, "I don't know," or words  
:10AM  
5 to that effect.

6 Q During that meeting was there anything more  
7 discussed with respect to the Change to Win idea?

8 A No, it was a very brief conversation.

9 Q I'd like to move forward in the transcript,  
:10AM  
10 please, to Page 36, starting at line 23 Defendant  
11 Blagojevich says:

12 "See, that's my, that's my feeling, my feeling  
13 is if I'm cornered and there's nothing else  
14 that's really that good, then take that and  
15 then, ah, then don't completely rule out the  
16 possibility of running again, but in your mind  
17 you're prepared to say, you're not gonna, you  
18 know what I'm saying?"

19 what did you understand Defendant Blagojevich  
:11AM  
20 to be saying at this point.

21 A He was explaining to Mr. Yang that if his efforts  
22 to secure some benefit for himself in exchange for  
23 the Senate Seat didn't satisfy him, that he would  
24 simply appoint himself to the Senate Seat and then  
25 later on not rule out the possibility of running for

1 reelection as senator.

2 Q Now, down at line 34 Defendant Blagojevich says:  
3 "Now Conrad, we did some homework. I had this  
4 checked, Conrad and Daschle, their --"

5 :11AM And on to Page 37:

6 ".... wives actually lobbied out there in the  
7 D.C., so it's possible Patti can come out to  
8 Washington. We can move out there and they,  
9 she can maybe work or something."

10 :12AM what did you understand Defendant Blagojevich  
11 to be saying there?

12 A That he had done some research about Senator  
13 Conrad and Senator Daschle and determined or find  
14 out or discovered their wives were lobbyists in D.C.

15 :12AM Q And with respect to what he says on line 5 to 8  
16 regarding Patti, what did you understand him to be  
17 saying?

18 A I understood him to be asking Fred whether he  
19 thought that whether Patti could be a lobbyist or  
20 have some other involvement in D.C. politics similar  
21 to Conrad and Daschle's wives.

22 Q And just to be clear, you said Conrad and Daschle  
23 are senators, is that right?

24 A I know Daschle is, I believe Conrad was. I'm not  
25 :12AM positive of Conrad.

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1 Q United States Senators?

2 A Yes.

3 Q At the bottom of Page 37, at line 31, Mr. Yang  
4 says:

5 "I mean, from what I heard ..."

6 over to the next page:

7 "... is leveraging this Valerie Jarrett into a  
8 position for you, ah, as, ah, head of Change to  
9 win."

10 :13AM what did you understand Mr. Yang to be saying  
11 there?

12 A He was expressing to the Governor his belief that  
13 the Change to Win option was the preferred option.

14 Q And at line 4 Defendant Blagojevich says:

15 :13AM "That pays a salary that I'd like."

16 "Yeah, you'd like that better than, ah, cutting  
17 a deal with Mike Madigan and getting a lot of  
18 stuff done as Governor."

19 :13AM what did you understand Defendant Blagojevich  
20 to be saying there?

21 A I understood him to be seeking clarification from  
22 Fred Yang that he preferred the Change to Win idea  
23 better than a possible deal with Mike Madigan.

24 Q Starting at line 9 Mr. Yang says:

25 :14AM "Ah, you know, yes, 'cause I think, look,

1                   forgetting about what it would mean for the,  
2                   for, 'cause, you know, look one of the things  
3                   I've always liked about you and admired about  
4                   you is actually for all the grief people give  
5                   you you've actually, a lot of people are better  
6                   off 'cause of you. And so if you cut the deal  
7                   with Madigan a lot, a heck of a lot more people  
8                   would be better off cause of you, but at the  
9                   end of the day, Governor, I'm not sure that  
10                   would put you in a better position. Is, you,  
11                   you do a lot of stuff and then it'd be 2010 and  
12                   you wouldn't be running for re-election, right?  
13                   And then where would you be politically and  
14                   financially with regard to your family."

15                   what did you understand Mr. Yang to be saying  
16                   there.

17 A                   I understood he was providing political advice  
18 and counsel to the Governor and again advising him  
19 that the best option for the Governor was the Change  
20 to Win option.

21 Q                   On Page 42, starting line 8, Defendant  
22 Blagojevich says:

23                   "I have to figure out a way, though, where this  
24 would give me some financial, an opportunity  
25 for upward mobility financially over there in

1           these wilderness years, you know."

2           what did you understand Defendant Blagojevich  
3 to be referring to at that part of the conversation?

4 A I understood him to be explaining to Mr. Yang his  
5 desire to find some course of action or alternative  
6 for himself that provided financial security for  
7 himself, as well as an opportunity for greater  
8 financial success.

9 Q And I believe you spoke about this briefly  
10 yesterday, but these wilderness years, what was your  
11 understanding of what Defendant Blagojevich was  
12 referring to when he said "these wilderness years"?

13 A He often referred to other politicians in history  
14 who between periods of public office or the  
15 wilderness years where they would cultivate or work  
16 on their plans for the future out of the public eye  
17 and otherwise contemplating their future.

18 Q So continuing on starting at line 15 Defendant  
19 Blagojevich says:

20           "I don't wanna, I'm gonna sound, this is the  
21 greedy part here. In a perfect scenario, you  
22 know, I can, I can in a place where I can make  
23 money, have the promise to make more money  
24 while at the same time be involved and engaged  
25 in a cause or causes that I really believe in

1       that'll, that give me a platform to, ah,  
2       maintain some sort of political viability and  
3       the possibility of getting back in."

4            what did you understand him to be saying  
5 there?

6 A Telling Fred Yang what the ideal situation would  
7 be for his both financial and political aspirations.

8 Q And based upon the context of this conversation  
9 and others that you had with Defendant Blagojevich,  
10 did you have any understanding as to what, if  
11 anything, those considerations had to do with his  
12 decision regarding the Senate Seat?

13 A I understood him to be working to achieve these  
14 considerations in connection with the appointment to  
15 the Senate Seat.

16 Q On Page 43, starting at line 18, you say:  
17        "Just being pragmatic that I think it's easier  
18        for Obama to do a lot indirectly for us."  
19        what are you saying there?

20 A I was referring to the fact that it was unlikely  
21 that President Obama would appoint the Governor to a  
22 federal post Cabinet position or otherwise provide  
23 any direct assistance to the Governor. That the  
24 Change to Win idea, to the extent President Obama or  
25 his people were involved, would be indirect

:17AM

:18AM

:18AM

:18AM

:19AM

1 assistant through a third-party.

2 Q And you go on at line 23 to say:

3 "The only problem with the change to win is the  
4 timing of it, meaning stepping down . . ."

5 and on Page 44:

6 " . . . you know right in the, right on the, on  
7 the eve of a budget crisis, does he, does he,  
8 you know, suffer from, you know, he, he ran  
9 away."

10 :19AM what are you saying there?

11 A I was expressing my concern and seeking Fred  
12 Yang's opinion about my concern that the Governor  
13 stepping down to take the position now or  
14 contemporaneous to an appointment to the Senate or  
15 soon thereafter, whether or not that would hurt the  
16 Governor politically, hurt his reputation such that  
17 we should not consider, the Governor should not  
18 consider, taking the post now but rather wait until  
19 the end of his term and that because of the current  
20 economic circumstances and other legislative crises  
21 that then existed in Illinois.

22 :20AM Q And at line 7 Mr. Yang says:

23 "You know, screw that because, you know, sure,  
24 you'll get criticized no matter what you do."

25 :20AM what did you understand Mr. Yang to be saying?

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1 A He was not as concerned.

2 Q And at line 10 Defendant Blagojevich says:  
3 "No matter what you do."

4 what did you understand him to be saying?

5 A I understood the Governor to be agreeing more  
6 with Fred.

7 Q And at line 24 Defendant Blagojevich says:  
8 "Jesus, yeah, I see what you're saying there,  
9 Fred, is the, you know, basically find a way to  
10 get out town, huh, if things are so bad."

11 what did you understand Defendant Blagojevich  
12 to be saying there?

13 A I understood again him to be agreeing with Fred's  
14 belief that timing should not be that big a  
15 consideration.

16 Q Timing of what?

17 A The Governor's departure.

18 Q And then at the bottom of Page 44 Mr. Yang says:  
19 Keeps you politically viable. I also think  
20 honestly of ..."

21 over on page 45:

22 "... all the options you've talked about, it's  
23 the one that's probably the best financial  
24 security for your family which I know is very  
25 important to you."

Harris - direct by Hamilton

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1           what did you understand Mr. Yang to be saying  
2 there?

3 A Endorsing the Change to Win idea is one of the  
4 best options for the Governor.

:21AM

5 Q On Page 46 at line 6 Mr. Yang says:

6           "I think it's not smart to preclude, well,  
7 actually I think the only option you should not  
8 contemplate is Jesse Jackson, Jr., as a United  
9 State's Senator."

:22AM

10           what did you understand Mr. Yang to be saying?

11 A It's not clear to me what option he's talking  
12 about not precluding, but he is expressing a  
13 definite opinion that Jesse Jackson, Jr., should not  
14 be considered.

:22AM

15 Q And at line 11 Defendant Blagojevich says:

16           "Like nobody ..."

17           And then on to line 13:

18           ".... you and Obama agree on that one, tell me  
19 why?"

:22AM

20           what did you understand Defendant Blagojevich  
21 to be saying there.

22 A I understood the Governor to be expressing to  
23 Fred Yang the fact that others similarly felt Jesse  
24 Jackson, Jr., should not be considered. The  
25 Governor was referring nobody that he knows or has

:22AM

Harris - direct by Hamilton

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1 talked to the Governor wants Jesse Jackson, Jr. I  
2 think he was referring to Tom Balanoff or Andy  
3 stern, and that the Governor's belief that Obama  
4 also felt that way or a suspicion that he felt that  
5 way as well.

:23AM

6 Q At line 17 Fred Yang says:

7 "I don't think he deserves to be in the United  
8 States Senate, number one, and I don't think he  
9 could hold the Senate Seat, number two."

:23AM

10 what did you understand him to be saying?

11 A Expressing his opinion about Jesse Jackson's  
12 qualifications and prospects for retaining the seat.

13 Q At line 21 Defendant Blagojevich says:

14 "Not to mention number three, he's a bad guy."

:23AM

15 what was your understanding as to what  
16 Defendant Blagojevich was saying there?

17 A That he didn't think much of Jesse Jackson, Jr.,  
18 based on their prior relationship.

:23AM

19 Q And when you say based on the prior relationship,  
20 what do you mean?

21 A Well, I knew that there was some bad blood in  
22 their history. I don't know much of why other than  
23 one example that the Governor had mentioned Jesse  
24 Jackson, Jr.'s promise to endorse the Governor in  
25 his first primary when he ran for Governor and then

:24AM

1 braking that promise in the middle of the primary  
2 when Roland Burris joined the race and the Governor  
3 felt betrayed by Jesse Jackson, Jr., and that may  
4 have been part of the bad feelings. There may have  
5 been more before and more after, but I wasn't aware  
6 of it.

7 Q And then at line 28 Defendant Blagojevich says:  
8 "Correct, he's really not the guy I thought he  
9 was. He's really bad. Anyway, yeah, I, think  
10 we're in good shape, Fred. That's highly,  
11 highly, highly, unlikely."

12 what did you understand him to be saying there?

13 A Appointing Jesse Jackson, Jr., was highly,  
14 highly, highly unlikely.

15 Q And at Page 47, starting at line 2, Defendant  
16 Blagojevich says:

17 "It goes back to that, the beginning of what I  
18 said, you've hit a threshold and now you're  
19 blocked and the question is, it's a marathon,  
20 not a sprint, and you're, you know, how do you  
21 somehow make moves so you can still be  
22 potentially in the mix if when potential window  
23 might open up, isn't that it? That's the heart  
24 of it."

25 what did you understand Defendant Blagojevich

1        him to be saying there?

2 A It wasn't very clear to me other than some of the  
3 considerations going through the Governor's mind was  
4 remaining -- among the considerations going through  
5 the Governor's mind was remaining politically viable  
6 so that he can have another opportunity for caucus  
7 in the future.

8 Q And continuing on at line 16 Defendant  
9 Blagojevich says:

10        "Staying Governor during hard times like this  
11        probably is not the best path of what I just  
12        talked about, you agree with that?"

13        On to line 21:

14        "So the question is senator, give it to  
15        yourself, try told hold it, you know, don't  
16        give it to yourself, try to run for it, you're  
17        gonna give it to somebody you can hold and then  
18        you run for it yourself flat out, Change to win  
19        scenario, a Cabinet appointment, an  
20        ambassadorship, but other thing, you know what  
21        I mean?"

22        what did you understand Defendant Blagojevich  
23 to be saying there?

24 A I understood the Governor to be laying down some  
25 of the options that the Governor was considering in

Harris - direct by Hamilton

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1 seeking Fred Yang's opinion as to the best course of  
2 action.

3 Q Some of the options with respect to what?

4 A Opportunities for the Governor to leverage the  
5 appointment to the Senate for something for himself,  
6 appoint the Senator for himself -- or appoint  
7 himself as Senator, seeking a position with Change  
8 to Win or seeking positions in the Cabinet or other  
9 federal appointments.

:26AM 10 Q All right. Mr. Harris, I now want to direct your  
11 attention to November the 10th, a few days after  
12 this conference call.

13 On approximately November the 10th did you  
14 receive a call from John Wyma in relation to the  
15 Senate Seat?

16 A Yes.

17 Q And you mentioned John Wyma before. How did you  
18 know John Wyma?

19 A John Wyma served as the Governor's Chief of Staff  
20 when the Governor was in Congress. I met John Wyma  
21 soon after I joined the Governor's administration.  
22 I was introduced to John Wyma. I understood him to  
23 be a friend, supporter, former employee of the  
24 Governor's. And he was at the time a lobbyist for  
25 several interested parties doing business with the

:27AM

:28AM

1 State, but also among the circle of advisers that  
2 the Governor relied upon.

3 Q So in the course of your time as Chief of Staff  
4 for Defendant Blagojevich, was John Wyma someone who  
5 you interacted with?

6 A Yes.

7 Q And, generally, in what ways would you interact  
8 with him?

9 A Either he came to see me on behalf of clients and  
10 their issues related to State regulation or State  
11 legislation, but we'd also talk generally about  
12 working for Governor Blagojevich.

13 He would provide me some advice and counsel  
14 from time to time. And I would rely upon him from  
15 time to time in asking his opinion on matters in  
16 dealing primarily with the Governor or other people  
17 that were trying to deal with the Governor and he  
18 would give me some background about people, tell me  
19 who they were, where they come from. So he was a  
20 resource for me.

21 Q With respect to the call that you received from  
22 Mr. Wyma in relation to the Senate Seat, generally  
23 what were you told during that call?

24 A Mr. Wyma called to deliver a message to me to  
25 deliver to the Governor.

Harris - direct by Hamilton

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1 Q Did he tell you who the message was from?

2 A Yes, he told me that Rahm had been trying--Rahm  
3 Emanuel, Congressman or then White House Chief of  
4 Staff designee--Rahm Emanuel was trying to get a  
:29AM  
5 hold of the Governor and the Governor wasn't  
6 returning his calls, that John Wyma was trying to  
7 get a hold of the Governor and the Governor wasn't  
8 returning his calls, so John Wyma was asked by Rahm  
9 to deliver a message to me to deliver to the  
10 Governor.

11 Q Now, at that time in November of 2008, what was  
12 your understanding of what Mr. Wyma's relationship  
13 was, if any, to Congressman Emanuel?

14 A I understood that they had a relationship, I  
:30AM  
15 believe they met while the Governor was  
16 transitioning from CONGRESSMAN to Governor, because  
17 Rahm Emanuel is the one who replaced Governor  
18 Blagojevich in his congressional seat. I don't know  
19 whether or not Wyma served in any official capacity  
20 for Rahm Emanuel, but there was a relationship  
21 between Rahm and John Wyma through Governor  
22 Blagojevich, and, in part, because John Wyma served  
23 as Chief of Staff for the congressional offices of  
24 the Fifth Congressional District in Chicago.

25 Q So were you surprised at all to be receiving a

:30AM

Harris - direct by Hamilton

2756

1 call from John Wyma in which he said he was trying  
2 to deliver a message from Rahm Emanuel to Defendant  
3 Blagojevich?

4 A No.

:30AM

5 Q After your conversation with Mr. Wyma, did you in  
6 fact relay the message that he gave you to Defendant  
7 Blagojevich?

8 A Yes.

:31AM

9 MS. HAMILTON: Judge, at this time I would  
10 ask permission to play call session 487, it's the  
11 call session behind tab 37, which are 487 and 489.

12 THE COURT: You may.

13 (Tape played)

14 BY MS. HAMILTON:

:37AM

15 Q Mr. Harris, directing your attention to Page 1 of  
16 the transcript behind tab 37.

17 Are you there?

18 A Yes.

:38AM

19 Q The date and time of this call is November  
20 the 11th, 2008, at 9:16 a.m., is that correct?

21 A Yes.

22 Q At line 5 Defendant Blagojevich says:

23 "Anything going on in the Senate stuff?"

24 what did you understand him to be saying?

:38AM

25 A whether I heard -- the Governor was asking me

Harris - direct by Hamilton

2757

1 whether I was aware of any new developments in the  
2 Senate discussions.

3 Q On line 7 you say:

4 "Yeah, I got a call last night from Wyma."

:38AM

5 what were you saying there?

6 A I told him I received a call from John Wyma  
7 yesterday evening or the night before.

8 Q You go on at line 10 to say:

9 "Yeah, he's, I know, so just wanted to hear  
10 what he was saying."

:38AM

11 what were you saying there?

12 A Well, the Governor was about to tell me that he  
13 had been -- that John Wyma had been reaching out to  
14 the Governor, and I said yes, I knew that and he got  
15 through to me.

:38AM

16 Q And then at line 15 Defendant Blagojevich says?

17 "Yeah, go ahead. So I was avoiding Wyma  
18 because I feel like he's probing or something."  
19 what did you understand him to be saying?

:39AM

20 A Just what he said, that he was avoiding Wyma and  
21 believed that Wyma was trying to get information  
22 from the Governor.

23 Q Information about what?

24 A I'm not sure.

:39AM

25 Q And at line 19 he says:

Harris - direct by Hamilton

2758

1        "So, he's calling on Rahm's behalf and he's  
2        like is he being sneaky about it or is he being  
3        forthcoming?"

4        What did you understand him to be saying?

5 A      The Governor suspected that Wyma was calling on  
6 Rahm's behalf and he just wanted to know whether or  
7 not Wyma said that to me or not.

8 Q      On Page 2 starting at line 1 you say:

9        "No, no, he said he was trying to get a hold of  
10       you but he hasn't been able to get through to  
11       you, that Rahm asked him to deliver the message  
12       that president-elect would be very pleased if  
13       you appointed Valerie and he would be, ah,  
14       thankful and appreciative, those are the  
15       operative words."

16       What are you saying there?

17 A      I relayed my conversation with Wyma and delivered  
18 the message.

19 Q      Was that, in fact, the message that you had  
20 received from John Wyma?

21 A      Yes.

22 Q      Going on at line 10, you say:

23        And I said okay, I will deliver the message.

24        And I said, ah, he goes, ah, so he wasn't being  
25        sneaky about it at all and I said okay, he said

Harris - direct by Hamilton

2759

1       okay, my job is done, I said okay, I didn't, I  
2       didn't want to engage in negotiations or  
3       discussions about our back-channel stuff."  
4       What were you saying there?

:40AM

5 A That the conversation I had with Mr. Wyma was  
6 very limited, there was no further discussions, that  
7 was the sum and substance of the conversation, and I  
8 just wanted to reassure the Governor that I did not  
9 engage in any discussions or conduct beyond what the  
10 Governor would have wanted me to do.

:40AM

11 Q So your reference to back-channel stuff, what was  
12 that a reference to?

13 A The discussions with Tom Balanoff.

:41AM

14 Q And at line 27 Defendant Blagojevich says:  
15       "So, yeah, we got the message and we know what  
16       he wants."

17       What did you understand him to be saying?

:41AM

18 A The Governor was just expressing to me that he  
19 acknowledged receipt of the message. And the part  
20 of about "and we know what he wants," I'm not quite  
21 sure who he is referring to, whether it's Rahm,  
22 Obama, or Wyma, I'm not quite sure.

23 Q And then at line 30 Defendant Blagojevich says:  
24       "Grateful and appreciative, huh?"

:41AM

25       And you say:

Harris - direct by Hamilton

2760

1       "Thankful and appreciative."

2       what were you saying when you said "thankful  
3       and appreciative"?

4 A I was clarifying and describing more accurately  
:41AM  
5 the words used by Wyma.

6 Q At line 32 Defendant Blagojevich says:

7       "I think a 501(c) 4, can we get his friend  
8       Warren Buffet or some of these guys to help us  
9       on something like that?"

:42AM  
10       what did you understand him to be saying  
11 there?

12 A I understood him to be resurrecting an idea about  
13 establishing a 501(c)(4) or issue advocacy  
14 not-for-profit organization that would be set up and  
15 endowed by friends and supporters of President  
16 Obama.

:42AM  
17       An organization that would be one that the  
18 Governor previously described that he would control  
19 by designating who the board of directors would be  
20 for his use and benefit, as well as promoting the  
21 issues and advocating the issues that it was  
22 established for.

23 Q When you say resurrecting an idea, what do you  
24 mean?

25 A As I mentioned earlier in my testimony, there was

Harris - direct by Hamilton

2761

1 discussions the Governor had with myself and Bill  
2 Quinlan about ways to get money into his campaign  
3 fund as part of an appointment process to the Senate  
4 with discussions with people like J.B. Pritzker or  
:43AM 5 Blair Hull. I'm not saying there were discussions,  
6 but this is an idea he had mentioned to us. And we  
7 had told him that not to talk about money in  
8 exchange for the Senate Seat.

9 The original notion of a 501(c)(4) was  
10 discussed months before that as a way to circumvent  
11 the impact of the ethics law that was being  
12 considered or that was going to take effect at the  
13 end of the year of 2008.

14 A way to continue to support the Governor's  
15 campaign by determining -- potentially directing  
16 state contractors to make donations to the 501(c)(4)  
17 as opposed to do the Governor's campaign accounts,  
18 that would not be violative of the new state ethics  
19 law, and that, in turn, that 501(c)(4) could support  
20 issues that the Governor was promoting, pushing,  
21 campaigning for.

22 Q On Page 3, at line 1 -- sorry, just to clarify.  
23 There's a reference on Page 2 to Warren Buffet, who  
24 was Warren Buffet?

25 A Warren Buffet is a successful businessman from

Harris - direct by Hamilton

2762

1 Omaha, Nebraska who the Governor refers to as a  
2 friend of President Obama's and that someone the  
3 Governor saw as a possible contributor to a  
4 501(c)(4) or this not-for-profit issue advocacy  
5 group.

:45AM

6 Q When you say a successful businessman, generally  
7 what is your successful of how successful?

8 A The most successful.

:45AM

9 Q On Page 3, line 1, you say:  
10 "what, for you?"

11 what are you saying there?

:46AM

12 A Well, I was reacting to his comment about this  
13 501(c)(4) and I said -- I was referring to what kind  
14 of 501(c)(4), one for you, meaning for your benefit  
15 or your purposes or your objectives.

16 Q When you say "your benefit, your purposes," what  
17 do you mean?

:46AM

18 A Meaning in prior discussions he had talked about  
19 a 501(c)(4) to advocate for issues like pushing  
20 healthcare or promoting causes for health insurance  
21 or causes for children, and then he had from time to  
22 time talked about it as a way to fund his campaign  
23 or otherwise promote his agenda. But in this  
24 context I wasn't sure exactly what he was referring  
25 to and he was referring to it, but I suspected he

:47AM

Harris - direct by Hamilton

2763

1 was talking about something that would be a place  
2 for him to work based on our earlier discussions  
3 about foundations and other charitable organizations  
4 that would give him a job.

:47AM

5 Q At line 2 Defendant Blagojevich says:

6 "Yeah, for me it ultimately be, you know, get  
7 involved in, but it would be for like kids  
8 insurance."

9 What did you understand him to be saying?

:47AM

10 A That it would be set up for a cause that he was  
11 interested in, in this case he gave an example of  
12 kids insurance, but one that he would go to work for  
13 or be otherwise involved in.

14 Q He goes on at line 7 to say:

15 "So in the middle of that I'm thinking, you  
16 know, impeachment, what about that? what about  
17 that factor? And if I need a place to land and  
18 like jump in, do I, ah, do I, ah, we have to  
19 factor in the reality of that, facing that next  
20 year, right?"

21 What did you understand him to be saying?

22 A The Governor was introducing again the threat or  
23 possible threat of an impeachment action against him  
24 in the Illinois General Assembly and how that  
25 possibility should factor into his decision about

:48AM

Harris - direct by Hamilton

2764

1 what to do with the Senate Seat.

2 Q Based upon the context of the call, what, if  
3 anything, did you understand that had to do with the  
4 idea of the 501(c)(4) being funded by people like  
5 Warren Buffet and others?

6 A I believe the impeachment discussion was a change  
7 of years, meaning how should the threat of  
8 impeachment factor into his decision about whether  
9 to appoint himself or leave early to take a position  
10 elsewhere, potentially with the 501(c)(4)  
11 organization.

12 Q At line 16 you say:

13 "Yeah, I mean, remember we talked about that  
14 as a, a scenario not we not likely but one that  
15 we should ... "

16 What were you saying there?

17 A I thought an impeachment was not likely, but  
18 nevertheless we should hope for the best and plan  
19 for the worse.

20 Q When you say hope for the best and plan for the  
21 worse, what do you mean?

22 A Meaning hope there is no impeachment scenario,  
23 but nevertheless consider that in the event there is  
24 one, what should we be prepared to do.

25 Q At line 22 Defendant Blagojevich says:

:48AM

:49AM

:49AM

:49AM

:49AM

Harris - direct by Hamilton

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1        "We Louanner there. I mean, we can count on  
2        Louanner if things got hot to give that up and  
3        let me parachute over there."

4        What did you understand him to be saying?

:49AM     5 A In a previous discussions about an impeachment  
6 scenario, the Governor thought about putting someone  
7 there he trusted, loyal to him, somebody like  
8 Louanner who is Deputy Governor, Ms. Louanner  
9 Peters, who would not be interested in seeking  
10 reelection, rather somebody that would just fill out  
11 the remainder of President Obama's term.

:50AM     12 In this context, he's talking about  
13 appointing Louanner Peters to the Senate, and in the  
14 event an impeachment effort were beginning or the  
15 Governor thought one was imminent, he thought of a  
16 scenario of Louanner stepping down as Senator and  
17 then thus again giving the Governor the power to  
18 appoint someone to fill the vacancy and under those  
19 circumstances possibly appointing himself.

:50AM     20 Q And you say at line 27:

21        "Stepping down and then filling the vacancy,  
22        yeah, I think you can count on Louanner to do  
23        that."

24        You go on to say:

25        "Yeah, she'd be the only one we can count on

Harris - direct by Hamilton

2766

1                   doing that."

2                   what are you saying there?

3 A   Louanner would be the only one to step down upon  
4 your request.

:51AM

5 Q   On page 4, line 6 Defendant Blagojevich says:  
6                   "Doug never got that Sneed thing, huh, about  
7                   Jesse Jackson, Jr.?"

8                   what did you understand him to be saying?

:51AM

9 A   He was referring to Doug Scofield planting the  
10 rumor or a rumor about the increasing prospects of  
11 Jesse Jackson, Jr., being appointed to the Senate  
12 Seat. I wasn't aware that he had asked Doug to do  
13 that.

14 Q   And you say:

:51AM

15                   "I haven't seen the paper yet, so you're saying  
16                   it's not in there yet then."  
17                   what were you saying?

18 A   I told him I didn't know whether or not it was in  
19 there or not.

:52AM

20 Q   At line 14, Defendant Blagojevich says:  
21                   "Well, okay, so we know he wants her, but  
22                   they're not really to give me anything except  
23                   appreciation. F' them, you know what I mean?  
24                   Right now Louanner is the front runner."  
25                   what, if anything, did you understand him to be

:52AM

Harris - direct by Hamilton

2767

1       saying?

2 A I understood the Governor to be referring to  
3 President-Elect Obama when he says "we know he wants  
4 her," meaning Valerie Jarrett, and they're not  
5 willing to give me anything except appreciation, he  
6 is interpreting the phone call that I received from  
7 Wyma and the message from Rahm that they're not  
8 willing to give him anything in exchange for Valerie  
9 Jarrett other than their appreciation.

:52AM

10 Q And when he says:

11       "F them, you know what I mean? Right now  
12       Louanner is the front runner."

13       what did you understand him to be saying?

:53AM

14 A He's expressing his frustration and his mind went  
15 to Louanner as the front runner.

16 Q At line 21 you say:

17       "All right, so we got to time it with Balanoff  
18       set up yet."

19       what were you saying there?

:53AM

20 A I'm trying to get back on scheduling and managing  
21 my schedule and the Governor's schedule in terms of  
22 is Balanoff coming in to provide more clarity on the  
23 response he received when he went to deliver the  
24 Governor's request.

:53AM

25 Q So as of this date, November the 11th, as far as

Harris - direct by Hamilton

2768

1 you knew, had Mr. Balanoff come in or given  
2 Defendant Blagojevich any greater clarification of  
3 the message that had been sent through Doug Scofield  
4 on November 7th?

:54AM

5 A Not to my knowledge.

6 Q And you say at line 23:

7 "I was waiting to hear from Doug, did you hear  
8 anything?"

9 What were you saying there?

:54AM

10 A The Governor had asked me whether I heard  
11 anything, and I said no, I would expect to hear from  
12 Doug or you, the Governor.

13 Q And at line 26 Defendant Blagojevich says:

14 " No nothing, I'm curious to see if they're kind  
15 of, they don't want him to come back or  
16 something, you know."

17 What did you understand him to be saying?

:54AM

18 A I understood him to be saying that he had not  
19 heard anything back from them and perhaps there  
20 was -- perhaps we would never hear back from him.

21 Q At line 29 you say:

22 "Yeah, maybe they, they need to change, they  
23 need to change the messenger or the ambassador  
24 because . . ."

:55AM

25 And over on page 5:

Harris - direct by Hamilton

2769

1        "... they didn't like, they didn't like what Tom  
2        came back with."

3        And he says:

4        "Yeah."

:55AM

5        And you say:

6        "And Tom probably said, hey, I made a good  
7        deal."

8        what are you saying there?

9 A        That perhaps Tom Balanoff wouldn't come back.

:55AM

10 Q        And line 7 you say:

11        "But, you know, at least wait to hear back from  
12        Tom."

13        what were you saying?

14 A        That we should wait.

:55AM

15 Q        And then at line 9 Defendant Blagojevich says:

16        "Right. We're not doing anything until we  
17        hear back from Tom."

18        what did you understand him to be saying?

:55AM

19 A        That he wasn't going to make any decisions  
20 concerning the Senate Seat until he heard back from  
21 Tom.

:55AM

22 Q        And at line 14 Defendant Blagojevich says:

23        "And let them all probe. In the meantime, I'm  
24        going to try using the Sneed that Jesse  
25        Jackson, Jr., star is rising."

Harris - direct by Hamilton

2770

1       what did you understand him to be saying?

2 A That he was going to undertake an effort to get a  
3 rumor out there through the political gossip column  
4 written by Michael Sneed that Jesse Jackson, Jr.'s  
5 chances were increasing or that the rumors are that  
6 his chances are increasing.

7 Q Based upon the context of this call and other  
8 conversations that you had with Defendant  
9 Blagojevich, did you have an understanding as to why  
10 he wanted there to be a rumor that Jesse Jackson,  
11 Jr., star was rising?

12 A Yes.

13 Q what was your understanding?

14 A My understanding was that the Governor understood  
15 that Jesse, Jr., or believed that Jesse, Jr., was  
16 not a preferred choice of the Obama administration  
17 and that they might be more motivated to accommodate  
18 the Governor's request or help the Governor in other  
19 ways if they thought the Governor was seriously  
20 considering Jesse Jackson, Jr.

21       MS. HAMILTON: Judge, at this time I'd ask  
22 permission to publish call session 491 which  
23 corresponds to the transcript behind tab 38.

24       THE COURT: You may.

25       MS. HAMILTON: Thank you.

Harris - direct by Hamilton

2771

1 (Tape played)

2 MS. HAMILTON: Judge, I now ask permission to  
3 publish call session 500 which corresponds to the  
4 transcript behind tab 40.

:01AM

5 THE COURT: Yes.

6 (Tape played.)

7 BY MS. HAMILTON:

8 Q Mr. Harris, directing your attention to page 1 of  
9 the transcript behind tab 41.

:03AM

10 Are you there?

11 A Yes.

12 Q This call also took place on November 11th, 2008,  
13 this was at 10:41 a.m., is that right?

14 A Yes.

:04AM

15 Q So at line 3 Defendant Blagojevich says:

16 "what about Nils and that follow-up with the  
17 Tribune and their editorial board's position on  
18 impeaching me and being negative and nasty?"  
19 what did you understand him saying there?

:04AM

20 A I understood the Governor to have remembered a  
21 statement to him in the prior week that I would be  
22 following up in a meeting with Mr. Nils Larson,  
23 consultant to Sam Zell of the Tribune Corporation,  
24 about our discussion concerning the firing of the  
25 editorial board.

:04AM

Harris - direct by Hamilton

2772

1 Q At line 7 you say:

2 "I met with him yesterday."

3 Had you in fact met with Mr. Larson the day  
4 before?

:04AM

5 A Yes.

6 Q And when you met with Mr. Larson, generally what  
7 happened in that meeting?

:05AM

8 A we talked about our plans at the IFA, the Cubs  
9 and the Tribune's schedule on the transaction  
10 involving the sale of the Cubs and Wrigley Field.  
11 we talked about some technical matters related to  
12 the deal. we talked about the fact that they may  
13 bifurcate the sale of the team that they were  
14 negotiating on a parallel track with an unidentified  
15 person of interest and how they might package the  
16 sale. we talked about the timing of the board  
17 action on the inducement ordinance at the IFA, that  
18 it might slip a few weeks but it could happen, it  
19 would be happening and that everything was on track  
20 on that front.

:05AM

21 Then we changed the discussion to the fact  
22 that the editorial board was being critical of the  
23 Governor. I told him that I thought Mr. McCormick  
24 was particularly unfair and biased against the  
25 Governor, that they should try to tone down the bad

:06AM

Harris - direct by Hamilton

2773

1 editorials because if the sale of the asset and the  
2 transaction through the IFA were delayed or  
3 prolonged, that would give time to members of the  
4 General Assembly to try to pass a bill to strip the  
:06AM 5 IFA or to ban the IFA or stop the IFA from doing  
6 this transaction potentially, that it would be in  
7 everyone's best interest if they didn't beat up on  
8 us for trying to do this transaction through the  
9 IFA.

10 Mr. Nils explained to me that -- generally,  
11 we also talked about the general condition of the  
12 Tribune Corporation. Their financial condition, he  
13 was telling me, was strained, that they would be  
14 performing layoffs in the next -- in the coming  
:07AM 15 weeks, and other restructuring was going to be  
16 happening within the Tribune organization.

17 That was about the summary of the meeting.

18 Q Now, Mr. Larson's comments regarding the  
19 financial condition of the Tribune paper and what  
20 that might mean with respect to layoffs, was that  
21 significant to you in any way?

22 A Yes.

23 Q why?

24 A It created the opportunity for me to take  
25 advantage of the coincidence on layoffs and report

Harris - direct by Hamilton

2774

1 back to the Governor that layoffs were coming.

2 q And why did you see that as creating an  
3 opportunity for you?

4 A Because I had not asked for Nils to fire the  
5 board, the editorial board, and the fact that  
6 layoffs were coming could've coincidentally included  
7 the editorial board, and, in that event, the  
8 Governor would've believed that it was, in part,  
9 because of his demands.

:07AM 10 q So in this conversation that we listened to  
11 between you and Defendant Blagojevich, were you  
12 attempting to mislead him about your conversation  
13 with Mr. Larson?

14 A Yes.

:08AM 15 q And how is it that you were attempting to mislead  
16 him?

17 A I was attempting to convey to the Governor that  
18 the Tribune organization, through Nils Larson, had  
19 received the Governor's message and that they had  
20 responded and would be responding in a way that  
21 would satisfy the Governor's desires, which was not  
22 the case.

23 q And why mislead Defendant Blagojevich in that  
24 way?

:08AM 25 A In order to buy time and continue the IFA process

1 forward so that it would become more likely to be  
2 completed in order to keep the Governor from  
3 insisting that I do what he asked me to do in the  
4 first instance, in order to keep the Governor from  
5 attempting to do it on his own or through someone  
6 else.

7 Q when you say in order to keep the Governor from  
8 attempting to do it on his own, what do you mean?

9 A Meaning calling Sam Zell on his own or calling  
10 Marc Ganis on his own to tell the Tribune that he  
11 would be pulling back on the IFA deal or the state  
12 support if they didn't fire the editorial board or  
13 begin writing positive editorials.

14 Q And why is it that you were attempting to keep  
15 Defendant Blagojevich from taking those actions on  
16 his own?

17 A I thought that would be very problematic and  
18 prove to be very damaging to the Governor to make  
19 that threat, veiled or otherwise, to somebody of  
20 Mr. Zell's stature in the community. In effect, it  
21 would be backing off on a deal that we made long ago  
22 and a commitment long ago to assist in this  
23 transaction and that we had spent over a year and a  
24 half working towards its completion.

25 Q All right. So focusing on the call when you say

Harris - direct by Hamilton

2776

1 at line 9:

2 "He talked to Sam and Sam got the message,  
3 he's very sensitive to the issue."

4 What were you saying there?

:10AM

5 A That Mr. Nils Larson had conveyed to Mr. Zell  
6 that the Governor was upset about the negative  
7 editorials.

8 Q And was that true?

:10AM

9 A I believe it was. I mean, Mr. Nils said they are  
10 sensitive to the fact and understand they have been  
11 quite critical of the Governor.

12 Q You go on to say:

13 "without getting too specific, there are  
14 certain corporate reorganizations and budget  
15 cuts coming, read between the lines, he's going  
16 after that section."

17 What are you saying there?

:11AM

18 A Well, the first part is an accurate reflection of  
19 my discussion with Mr. Larson that certain  
20 corporation cuts and reorganizations were coming,  
21 and I just told the Governor that I interpreted that  
22 to mean that the editorial board section was an area  
23 in which cuts would be occurring, and that was not  
24 true.

:11AM

25 Q Why did you say that if it was not true?

Harris - direct by Hamilton

2777

1 A Again, to keep the Governor from taking any  
2 further action on his own in this case.

3 Q And at line 17 he says:

4 "Oh, that's fantastic."

5 what did you understand him to be saying?

6 A He seemed satisfied with my report.

7 Q You go on to say:

8 "Now, that doesn't mean, you know, he's not  
9 promising any turnaround right away, it's just  
10 a change in personnel and, but he understands  
11 that they have not been very balanced and that  
12 he does not ever acknowledge that he interferes  
13 with the operation."

14 What are you saying there?

15 A I was trying to manage his expectations because I  
16 didn't know whether or not there would be any cuts  
17 at the editorial board and certainly didn't know  
18 whether or not there was going to be any imminent  
19 changes in the posture of the editorial board which  
20 was against the Governor.

21 Q And at Page 2 you go on at line 1 and say:

22 "I got the clear feeling that he's very  
23 sensitive to our concerns."

24 What were you saying there?

25 A Reassuring the governing that Mr. Zell and

1 Mr. Larson are sensitive to the Governor's concerns  
2 and displeasure with the negative editorials.

3 Q At line 6 Defendant Blagojevich says:

4 "And you, the time line, you explained, you  
5 know, to Nils, he would've passed that along  
6 and our ability to do this without the  
7 legislature, correct?"

8 what did you understand him to be saying there?

9 A whether or not I conveyed to Mr. Nils the urgency  
10 of the matter relative to the time line of the  
11 action of the IFA.

12 Q And you say:

13 "Yes, correct."

14 Had you, in fact, relayed that?

15 A No, there was no need to because there was no  
16 discussion about the suspending or otherwise  
17 delaying from our end the IFA action.

18 Q And Defendant Blagojevich says:

19 " So that's how you kicked it, huh?"

20 what did you understand him to be saying?

21 A The Governor I understood him to be asking me to  
22 confirm that I had mentioned to them that the  
23 legislature -- or this IFA action was an action that  
24 would not require legislative action and that was  
25 one of the grounds that the impeachment discussions

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1 were citing as cause for impeachment.

2 Q You say at line 15:

3 "You gotta deal with it sooner rather than  
4 later and I expect before the end of this month  
5 there's going to be some reorganizations or  
6 cuts."

7 what were you saying there?

8 A I was just relaying to the Governor or telling  
9 the Governor that they understood. I told the  
10 Governor that some cuts would be happening before  
11 the end of the month, by that time I had hoped that  
12 IFA action would've taken a substantial step  
13 forward, if not by then certainly by December.

14 Q And at line 19 Defendant Blagojevich says:

15 " Wow, okay, keep our fingers crossed, you're  
16 the man. Good job, John."

17 what did you understand him to be saying?

18 A He was satisfied with the report.

19 MS. HAMILTON: Judge, I'm going to change  
20 topics for the next day if you want to take a break.

21 THE COURT: which is the next one you're  
22 going into?

23 MS. HAMILTON: Tab 41.

24 THE COURT: If it's tab 41, we'll take the  
25 recess now. 15 minutes.

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1 THE MARSHAL: All rise.

2 (The following proceedings were had out of the  
3 presence of the jury in open court:)

4 THE COURT: We are in recess.

:16AM

5 The witness may step down.

6 (Recess.)

7 THE MARSHAL: All rise.

8 (The following proceedings were had in the  
9 presence of the jury in open court:)

:37AM

10 THE COURT: Please be seated.

11 BY MS. HAMILTON:

12 Q Mr. Harris, I want to direct your attention to  
13 November 12, 2008.

14 A Yes.

:37AM

15 Q what, if anything, did you learn on or about  
16 November 12th, 2008, that impacted the discussions  
17 that were taking place regarding the Senate Seat  
18 appointment?

:37AM

19 A I had heard a report that Ms. Valerie Jarrett was  
20 going to be taking a position in the White House.

21 Q And when you say heard a report, how did you  
22 first hear that report?

23 A I believe it was news reports that morning on the  
24 radio.

:37AM

25 Q Did you have a discussion with Defendant

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1 Blagojevich about that development?

2 A Yes.

3 MS. HAMILTON: Your Honor, at this time I'd  
4 ask permission to publish session 521 which  
5 corresponds to the transcript behind tab 41, and I'd  
6 ask permission to publish from the beginning until  
7 Page 7, line 15, there's a pause.

8 THE COURT: There's going to be another  
9 pause?

10 MS. HAMILTON: There is another one, I would  
11 propose, page 12, line 26, I could go to there if  
12 you prefer.

13 THE COURT: Yeah, why don't you go to  
14 Page 12.

15 (Tape played)

16 MS. HAMILTON: Judge, for the record, we've  
17 paused on recording at Page 12, line 26.

18 BY MS. HAMILTON:

19 Q Mr. Harris, directing your attention to page 1 of  
20 the transcript behind tab 41.

21 Are you there?

22 A Yes.

23 Q The day and time of this call is November the  
24 12th, 2008, at 7:40 in the morning, is that right?

25 A Yes, ma'am.

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1 Q And at one point in the call you say something  
2 about being close to Midway Airport, is that right?  
3 (Sneezing in the courtroom.)

4 THE WITNESS: Bless you.

:56AM

5 BY THE WITNESS:

6 A Yes.

7 BY MS. HAMILTON:

8 Q Where were you during the course of this call?

:56AM

9 A In my car on Cicero Avenue heading south to  
10 Midway Airport on my way to Springfield for the fall  
11 veto session of the Illinois General Assembly.

12 Q When you say the fall veto session, what do you  
13 mean?

:56AM

14 A Each year around mid November the General  
15 Assembly reconvenes after the summer recess for  
16 approximately 2 weeks, sometimes less, sometimes  
17 more, to take up matters remaining to be addressed,  
18 many of them being to act on vetoes or mandatory  
19 vetoes that the Governor has issued on legislation  
20 passed in the spring and summer sessions of the  
21 General Assembly and other critical matters needing  
22 the attention of the General Assembly.

:57AM

23 Q Why is it that you were going to the fall veto  
24 session?

:57AM

25 A I would usually go to Springfield when the

1 General Assembly was in session, always during the  
2 veto session to represent the Governor's interests  
3 in matters of importance to the administration,  
4 along with other members of the senior staff and  
5 selected Cabinet members.

:57AM

6 Q Directing your attention to Page 1, line 5,  
7 Defendant Blagojevich says:

8 "So Lucio was telling me that CNN reported  
9 yesterday that Valerie Jarrett is not  
10 interested in the Senate Seat now, that Obama  
11 wants her in the administration if he, you saw  
12 that you, huh?"

:58AM

13 what did you understand him to be saying?

:58AM

14 A I understood him to be conveying to me the story  
15 that he received or understood from Lucio about the  
16 fact that Valerie Jarrett was not interested in the  
17 Senate Seat and was going to be taking another  
18 position in the Obama administration?

:58AM

19 Q At line 13 you say:

:58AM

20 "I don't, I don't, I don't take that to be  
21 true."

:58AM

22 what were you saying?

:58AM

23 A Well, I sensed that -- I sensed that the Governor  
24 was very anxious in this call, initially, and just  
25 told him well, let's not overreact until we know

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1 more. So I was just expressing an opinion at the  
2 time that it may not be true.

3 Q You go on to say:

4 "I think it's a tactic to, ah, one down,  
5 downplay it a little bit just in case she  
6 doesn't get it, they don't want it, they don't  
7 want it out there that they wanted her and she  
8 didn't get it, for her sake, you know, and just  
9 kind of, it, it was getting a little bit too mu  
10 ich chatter about her. "

11 what were you saying there?

12 A I was explaining to the Governor that there may  
13 be a plausible explanation as to why this was being  
14 rumored, perhaps either that they wanted to -- the  
15 Obama people wanted to downplay their interest or  
16 back off of their interest in her in the event that  
17 the Governor did not select her, so as to not prove  
18 embarrassing for either the President or Ms. Jarrett  
19 herself, or the fact that there was too much public  
20 discussion going on, too many media stories about  
21 her possible appointment.

22 Q On Page 2 Defendant Blagojevich says:

23 "Uh-huh, so not, not, they were all directed  
24 at me."

25 what did you understand him to be saying?

:59AM

:59AM

:59AM

:59AM

:00PM

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1 A That the white House story or the story from the  
2 Obama camp was not intended to be a message back to  
3 the Governor, that's what his interpretation was or  
4 believed, that initially believed perhaps it was  
5 directed at him.

:00PM

6 Q When you say:

7 "No, I don't think so, just I think it was  
8 getting too far out there, you know, there is a  
9 chance that they're trying to send you a  
10 message that it ain't that important to them.  
11 I don't know, that's contradicted by Wyma's  
12 call the same day, you know."

:00PM

13 What were you saying there?

:00PM

14 A I was just trying to reassure him and making him  
15 more calm about the whole situation.

16 Q At line 14 you say?

17 "Don't think they want to do it publicly."

18 And then at line 17 you say:

:01PM

19 "I think we wait, but I think maybe Doug  
20 reaches out to him, too, if we don't hear from  
21 him today."

22 What were you saying there?

23 A Don't react to the story, wait until you hear  
24 from Tom, Mr. Balanoff.

:01PM

25 Q And then Defendant Blagojevich says:

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1       we wait to hear from him today, if not then."

2       And who did you understand him to be referring  
3       to?

4 A Mr. Balanoff. Either wait to hear from him or  
:01PM  
5 have Doug reach out to him.

6 Q You say at line 22:

7       "Doug kind of does a soft outreach, you know."  
8       what do you by that?

9 A well, Doug shouldn't -- if we were to ask Doug to  
:01PM  
10 do that, it shouldn't be overly eager to hear back,  
11 simply something along the lines of: Hey, Tom, when  
12 are you coming in.

13 Q At line 24 Defendant Blagojevich says:

14       "well, maybe not, let's see. I mean, he hasn't  
15       resigned his seat yet, he's supposed to do that  
16       today or tomorrow. The fact that he's not  
17       doing that, that's a sign, isn't it?"

18       what did you understand him to be saying?

19 A I understood the Governor to be interpreting the  
20 president-elect's failure to resign the Senate Seat  
21 is a positive sign, that they had not yet given up  
22 hope on negotiating something or the hope that  
23 Valerie Jarrett could be appointed.

24 Q At Page 3, Line 1 Defendant Blagojevich says:

25       "Ah, 501(c)(4), you know, get the contributors

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1 and others to put 10, 15 million in it so I can  
2 advocate healthcare and other issues I care  
3 about and help them while I stay as Governor  
4 and she's a senator, that's a pretty good  
5 request, isn't it?"

6 what did you understand him to be saying?

7 A I understood him to be presenting his idea to me  
8 or an idea about setting up a 501(c)(4), which is an  
9 issue advocacy not-for-profit type of organization,  
10 one that would be endowed by contributions from  
11 others in the amounts of 10 to 15 million dollars or  
12 for a total amount of 10 to 15 million dollars set  
13 up for a particular issue.

14 Q And at line 9 you say:

15 "Yeah, for those people that are passionate  
16 about that, I mean, most of your big money  
17 donors are not passionate about healthcare."

18 what were you saying?

19 A Well, I was just, again, just thinking more about  
20 my trip to Springfield on this issue. Just trying  
21 to continue the dialogue and the conversation. I  
22 wasn't sure who he was referring to or how he  
23 thought 10 to 15 million dollars could be raised  
24 from among his donors to endow this type of  
25 not-for-profit.

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1 Q At line 17 Defendant Blagojevich says:

2 "Well, this is one of those things where  
3 you're the president-elect of the United  
4 States, you simply say Warren Buffet, will you  
5 put ..."

6 what did you understand him to be saying?

7 A Well, I think that reveals itself in my answer.  
8 I wasn't sure what he was talking about, then I  
9 understood more clearly that he was talking about  
10 asking the president-elect to ask big money donors,  
11 such as Warren Buffet, to endow this not-for-profit.

12 Q And he says at line 23:

13 "Well, Yeah, his people. They go get it, they  
14 get the money."

15 what did you understand him to be saying?

16 A That Obama's people would go get the money.

17 Q And at line 25 you say:

18 "Yeah, I think, so I think that's a lot easier  
19 for them than an appointment, sure."

20 what were you saying?

21 A That in terms of the easiness or the difficulty  
22 of giving the Governor something in exchange for  
23 Valerie Jarrett's appointment, that they find this  
24 easier to do than appointing him to the Cabinet.

25 Q At line 29 Defendant Blagojevich says:

1        "I mean, he's got his whole network of  
2        contributors, why not just get them turned on  
3        to do something like that. So these big money  
4        guys, his pal's Warren Buffet, you know, it's,  
5        he tries to associate, he says he associates  
6        with, right? Bill Gates. The same one so I  
7        would ask J.B. to go, the same ones I'd ask  
8        J.B. to do."

9        What did you understand him to be saying?

:05PM 10 A I understood him to be identifying to me a list  
11 of potential donors he had in mind. Warren Buffet,  
12 Bill Gates, both millionaires. J.B., he was  
13 referring to J.B. Pritzker, a local billionaire.

14 Q And he goes at line 4, on Page 4, to say:

:05PM 15        "He says he's gonna you know, he wants  
16        healthcare for all kids, right? Okay, well,  
17        he's got, that's part of his mission as  
18        President now."

19        What did you understand him to saying there?

:05PM 20 A I understood him to be expressing his opinion  
21 that the President would be -- that such an  
22 organization established would be consistent with  
23 the President-elect's agenda on healthcare.

24 Q Starting at line 9 you say:

:06PM 25        "Right, and they have to figure out how to

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1 dovetail that into their legislative agenda.  
2 In other words, is this something they want to  
3 take a couple of years to try to do, is it  
4 something they're gonna try to do in the first  
5 100 days. How does this organization fit into  
6 that legislative strategy."  
7 what are you saying there?

8 A I was expressing my reservation that this would  
9 be something that the president-elect or his team  
10 would be willing to undertake so early in their new  
11 administration, perhaps they have higher priorities  
12 or more pressing priorities, that this was something  
13 that may or may not fit in with their idea of what  
14 they should be spending their time and effort on and  
15 resources on.

16 Q Line 17 Defendant Blagojevich says:

17 "They could contemplate it by thinking that,  
18 yeah, or they could simply say, hey, we get  
19 Valerie Jarrett, let's help this guy have a  
20 501(c)(4) issue advocacy organization, but fund  
21 it to the level that he's asked for and then  
22 we'll get Valerie Jarrett. And what, you know,  
23 the issue he's advocating for is not all that  
24 inconsistent or contradictory to what we stand  
25 for."

1       what did you understand him to be saying there?

2 A I understood him to be telling me that he  
3 believed that he could, in fact, be an early  
4 priority for them if they want Valerie Jarrett to be  
5 the senator.

6 Q And then at line 28 you say:

7       "Sure, I mean it's not unlike you're not here,  
8       it's a little different, third-party, you know,  
9       employer, well, the timing issue still remains  
10      problematic."

11       what are you saying there?

12 A I'm explaining to him I understand what he is  
13 trying to define to me, I still have concern about  
14 the timing of him leaving the Governor's office.

15 Q At line 35 Defendant Blagojevich says:

16       "Yeah, that's it. Well, they got to, you know,  
17       do you trust 'em? That's the thing. I don't.  
18       Do you?"

19       what do you understand him to be saying?

20 A Well, I think he's acknowledging the timing is  
21 still an issue regardless of where he goes, but  
22 that's something that he would need to rely on  
23 people that set this up, tell them there would be  
24 something for him, some room for his involvement  
25 down the road.

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1 Q On Page 5, at line 3 you say:

2 "But the question is not so much is it  
3 something you'd be willing to wait to do in  
4 2 years."

:08PM

5 what were you asking there?

6 A I'm not really sure other than what I said on  
7 that.

8 Q whether you'd be willing to wait for 2 years for  
9 what?

:09PM

10 A To move to this organization.

11 Q Starting at line 6 Defendant Blagojevich says:  
12 "Oh, yeah, definitely, but I want that  
13 organization up and running now. We put a  
14 board, we got a board of directors that Quinlan  
15 and I have been working on, I'd be sitting  
16 there and the, and the organization would begin  
17 advocating this stuff but they would be, it  
18 would be without, you know, major player until  
19 I were to go there."

:09PM

20 what did you understand him to be saying?

21 A I understood him to be saying that if it was a  
22 board that he constituted, he would feel comfortable  
23 in there being a position for him at the end of his  
24 term in office.

:09PM

25 Q And he goes on at line 19 to say:

1                   " And it'd be the sort of thing that would  
2 advocate for us, stuff we'd like here and  
3 there. You know, children's healthcare, pay,  
4 you know, and the, and healthcare for working  
5 parents. Something like that. Right?  
6 It would help us push our stuff here and help  
7 Obama in washington. And the new senator."

8                   what did you understand him to be saying?

9 A I understood him to be describing to me the  
10 mission of the organization and why it might appeal  
11 to President Obama and his people given the nature  
12 of its mission.

13 Q And at line 30 you say:

14                   "I think it's a lot cleaner."

15                   what are you saying?

16 A I thought it was cleaner than a Cabinet  
17 appointment, meaning if he were seeking something in  
18 exchange this would be cleaner, meaning more easy  
19 than the President appointing him to a Cabinet.

20 Q And at line 31 Defendant Blagojevich says:

21                   "Yeah, I would stay as Governor, yeah, don't  
22 get me wrong, but it'd be, we'd have this  
23 organization, the board of directors, we'd  
24 control it. And it'd be sitting there waiting.  
25 And it'd be my little platform. It'd be, it,

1       it, this Change to Win, it's the same kind of  
2       concept."

3       what did you understand him to be saying?

4 A      That it would serve his political needs and that  
5       it would be secure 2 years from now for his  
6       financial needs.

7 Q      And at line 11 Defendant Blagojevich says:  
8       "The question is how do you, and the money  
9       should be easy because as of right now where  
10       he's at at his level ... and there are no  
11       limits. I mean he's sitting on, I'm sure a lot  
12       of campaign money yet."

13       what did you understand him to be saying?

14 A      I understood him to believe that endowing the  
15       foundation or the group at the levels he was talking  
16       about would not be difficult for President-Elect  
17       Obama.

18 Q      At line 20 he goes on:

19       "But I would say one of these things is, you go  
20       to Bill Gates, you go to Warren Buffet, you go  
21       to George Soros, you go to those big Democrat  
22       multi-billionaire guys and you ask them all to,  
23       you know, all do, two, you know, 2.5 million,  
24       you know, they do, you know, a couple of  
25       million each."

1       what did you understand him to be saying?

2 A I understood him to be identifying potential  
3 donors and the levels that they would contribute and  
4 that these people are close, in his opinion, to  
5 President-Elect Obama.

6 Q On Page 7, line 17 Defendant Blagojevich says:  
7       "That's all they got to do for Valerie  
8       Jarrett, if they can't even do that right, I  
9       mean, that's not hard them."

10       what did you understand him to be saying?

11 A I understood him to believe that this was a very  
12 feasible exchange or deal for the appointment of  
13 Valerie Jarrett.

14 Q Line 22 you say:

15       "I think if they can't even do that, then we're  
16       not having good-faith discussions."  
17       what were you saying?

18 A I was being agreeable with him.

19 Q You say you were being agreeable with him, what  
20 do you mean?

21 A Just keeping the conversation moving along.

22 Q Why is it you were keeping the conversation  
23 moving along?

24 A Because there was other matters that I was hoping  
25 to get to before my trip and I was also wanted time

1 to think through this new concept that he was  
2 articulating, and in my thinking through it that  
3 this was not necessarily a good idea but wasn't  
4 quite sure how to confront him with that yet.

:13PM

5 Q And at line 25 Defendant Blagojevich says:

6 "Yeah. Then you say, well then you just give  
7 them, look, then you say, Louanner gets you  
8 nothing, you get, at least you get some good  
9 will, by putting Obama's senator three. That's  
10 what Knapp and others would say, right? I  
11 would be loath to do that then. That kind of  
12 disrespect. You know. I'm sure the smart  
13 play, the safe play is you still give him his  
14 senator. But since you, you, the alternatives  
15 aren't that great. Right?"

:13PM

16 what did you understand him to be saying?

:14PM

17 A He was somewhat changing gears thinking about his  
18 alternatives if he has no Valerie Jarrett  
19 alternative.

:14PM

20 Q The reference to "at least you get some goodwill  
21 by putting Obama's senator there, that's what Knapp  
22 and others would say, right," what did you  
23 understand him to be referring to?

:14PM

24 A I understood him to be referring to the fact that  
25 picking President Obama's choice would engender

1 goodwill with the new President and that that had  
2 value. And others, including myself, had pointed  
3 that out to him in the past and again in the future  
4 but he was recognizing that that point had been  
5 made.

6 Q And the reference to Knapp, what's your  
7 understanding of who that is a reference to?

8 A His political consultant, Bill Knapp.

9 Q At Page 8, line 3, you say:

10 "Not that crazy about the alternatives in terms  
11 of, I mean, at the end of the day the first  
12 test ought to be at least publicly, you know,  
13 what's in the best interest of the State of  
14 Illinois. It can't look like what's in Rod's  
15 personal best interest."

16 What are you saying there?

17 A That his alternatives ought to be somebody that  
18 is generally accepted as good for Illinois and that  
19 would be a strong senator, not somebody that's just  
20 very closely aligned with the Governor that didn't  
21 have credentials or the stature to be generally  
22 accepted as a good pick.

23 Q At line 12 you say:

24 "So, you know, Louanner, given the other field,  
25 you know, we know and like her and know what

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1       she is capable of but she's not going to be  
2       received as somebody that is better for the  
3       State of Illinois than some of the other  
4       names."

:16PM

5       what are you saying there?

6 A   That while Louanner was a friend, loyal, and a  
7       very talented woman, she wouldn't necessarily enjoy  
8       that much credit when compared to some of the other  
9       names that were being talked about.

:16PM

10 Q   when you say that much credit, that much credit  
11      by whom?

12 A   By the media and just general pundits and other  
13      politicians and government officials.

14 Q   At line 20 Defendant Blagojevich says:

15 :16PM       "Hey, do you, why don't we start looking for an  
16       African-American Tammy Duckworth. We can,  
17       can't we?"

18       what did you understand him to be saying  
19      there?

:17PM

20 A   He was asking me to start considering other  
21      candidates or looking for other possible candidates.  
22   In this case, he is suggesting an African-American  
23      woman similar to Tammy Duckworth, which would be  
24      somebody who was a war hero, a veteran, a very  
25      talented and skilled administrator.

:17PM

1 Q And you say:

2 "I can look, I've been, I've been looking, we  
3 got nothing back, I got feelers out on that."  
4 What were you saying there?

:17PM

5 A I had already inquired of several people to  
6 identify and make recommendations to me for possible  
7 candidates from the military veterans, war veterans  
8 particularly was one area that I had been looking  
9 at.

:17PM

10 Q And at line 27 defendant Blagojevich says:

11 "we do? I mean, can you be more aggressive  
12 now, can't you? You saw the adjutant general,  
13 should I call 'em?"

14 What did you understand him to be saying there?

:18PM

15 A He was asking me whether I, in fact, talked to  
16 the adjutant general. The adjutant general is the  
17 commanding general of the Illinois National Guard.  
18 He is somebody that I spoke to and was soliciting  
19 names from him of top-notch officers in the National  
20 Guard or top-notch enlisted personnel, senior  
21 enlisted personnel in the National Guard.

:18PM

22 For positions in the Governor's  
23 administration, I did not tell the adjutant that we  
24 were looking for Senate candidates necessarily, but  
25 the search criteria was not that unlike what I was

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1 looking for.

2 Q At line 32 Defendant Blagojevich says:

3 "Yeah, Louanner, I understand what you're  
4 saying. So if it's not Valerie Jarrett, then  
5 who?"

6 what did you understand him to be saying there?

7 A That he didn't really have any other names in  
8 mind.

9 Q And what about with respect to the part on where  
10 he says, "on Louanner, I understand what you're  
11 saying," what did you understand he was referring  
12 to?

13 A That she had been very close to the Governor, she  
14 was previously a congressional staffer and somebody  
15 that the Governor elevated to a very senior position  
16 in the administration. She did an exemplary job in  
17 it, but some people might not recognize her as  
18 having the necessary credentials but that other than  
19 being a very close ally of the Governor's.

20 Q So at the top of Page 9, line 2 Defendant  
21 Blagojevich says:

22 "So to answer your question, best interest of  
23 the State of Illinois, what would be your --  
24 what would your second pick be? I mean, here  
25 they completely ignore and say forget it, we

:18PM

:19PM

:19PM

:19PM

:20PM

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1       want her, they'll be grateful, there's nothing  
2       we can do for you, do you still do it? I mean  
3       I have an opinion."

4       what did you understand him to be saying there?

:20PM  
5 A He is asking me what other candidates I thought  
6 other than Valerie Jarrett would make a perfect  
7 Senator.

8 Q And you say:

:20PM  
9       "Well, it goes back to your question, what's  
10       your alternative, what's your second best  
11       choice, but still, you know, helpful to Obama,  
12       help, you know, best interest of Illinois."

13       what are you saying there?

:20PM  
14 A Well, that the candidate we should be discussing  
15 is somebody that's going to be helpful to  
16 President-Elect Obama and clearly represent the best  
17 interest of Illinois and somebody that meets those  
18 criteria.

:20PM  
19 Q Now, in both what Defendant Blagojevich says and  
20 you say, you make reference to second best choice  
21 and he says second pick, what's your understanding  
22 of what that second pick is a reference to?

23       At the top of Page 9, line 4.

24 A Yes. Well, the second pick in some parts of the  
25 discussion is second to Valerie Jarrett if she's not

:21PM

Harris - direct by Hamilton

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1 available, in other parts of the discussion it's  
2 second to Louanner, that's -- I'm not sure which one  
3 he was referring to.

4 Q Well, when he says on line 5:

5 "If they completely ignore us and say forget  
6 it, we want her, they'll be grateful there's  
7 nothing we can do for you."

8 what did you understand him to be referring to?

9 A In his case, it was second best to Valerie  
10 Jarrett, but if in the event he could not negotiate  
11 a deal for himself for the appointment of Valerie  
12 Jarrett, then in that case he wouldn't appoint  
13 Valerie Jarrett so who would he then turn to.

14 Q At Page 9, line 21, Defendant Blagojevich says:

15 "Louanner, I mean I don't have one. I mean,  
16 Jesse, Jr., is a repugnant thought to me. I  
17 can't believe anything he says. what he's got  
18 third-party saying to me is a heck of a lot  
19 more substantial than what we're getting from  
20 the Obama people, okay."

21 what did you understand him to be saying there?

22 A I understood him to be again expressing his  
23 feelings about appointing Jesse Jackson, Jr., that  
24 he was not very high on the list, but that others  
25 had been talking to him about help that they're

Harris - direct by Hamilton

2803

1 going to be giving or willing to offer him if they  
2 -- if he were to consider picking Jesse Jackson, Jr.

3 Q At this point, November the 12th, 2008, had  
4 Defendant Blagojevich said anything to you about  
5 what help, if any, had been offered to him for  
6 making Jesse Jackson, Jr., the senator?

7 A No.

8 Q At line 29 he says:

9 "But, you know, I don't believe him, I don't  
10 trust him, I used to like him, I don't like him  
11 anymore, you know, I think he's a bad guy."  
12 who did you understand him to be referring to?

13 A Congressman Jackson.

14 Q And at line 9 -- I'm sorry, at page 9, starting  
15 at line 34 Defendant Blagojevich says:

16 "Eric Whitaker."

17 And then page 10, line 2:

18 "Ken Duncan."

19 what did you understand him to be saying there?

20 A He's floating other names with me, throwing out  
21 other names for consideration, gauging my reaction  
22 or soliciting my reaction.

23 Q And you've already testified regarding Eric  
24 Whitaker, who is Ken Dunkin?

25 A Ken Dunkin is a State Representative who was

Harris - direct by Hamilton

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1 often an ally with the Governor on matters in the  
2 General Assembly.

3 Q On line 4 you say "Ricky," who is Ricky?

4 A I was referring to State Senator Ricky Hendon,  
5 again another legislative ally of the Governor's  
6 from time to time.

7 Q At line 5 Defendant Blagojevich says:

8 "which one would get, vis-, ah, maligned more,  
9 Hendon, Emil Jones, or Louanner?"

10 And you say:

11 "who would be aligned with you more?"

12 And he says:

13 "Maligned. Which pick would be maligned? The  
14 most maligned."

15 what did you understand him to be asking you  
16 there.

17 A Among those three, which selection would be most  
18 criticized in the media and by others.

19 Q On Page 11, line 1 Defendant Blagojevich says:

20 "whose better for me, Emil or Louanner?"

21 And at line 2 you say:

22 "In terms of, ah, you have to figure out how  
23 we're, how we're measuring that. In terms of  
24 getting out, promoting your agenda and fighting  
25 for the things we believe in, Louanner. And in

Harris - direct by Hamilton

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1       terms of being able to raise money and, ah, you  
2       know, being a little more effective operator in  
3       the Senate, Emil."

4       What were you saying there?

:25PM

5 A That Louanner was passionate about the causes  
6 that the Governor was passionate about and spent  
7 most of her life fighting for those causes. Emil  
8 Jones was a 30-year plus senator and was a very  
9 skilled politician, legislator, fundraiser, and just  
10 understood how government works very well.

:25PM

11 Q At line 11 Defendant Blagojevich says:

12       "Okay. Hey have that off-campus discussion with  
13       him, now is the time, isn't it?"

14       What did you understand him to be saying?

:25PM

15 A He wanted me to approach Emil Jones about his  
16 possible selection for the Senate vacancy and have  
17 that discussion in the context of Emil Jones making  
18 a contribution to the Governor of some or all of his  
19 political war chest campaign fund as part of that.

:26PM

20 Q And at line 16 he says:

21       "You want to do that today? That'll make him  
22       feel good too, won't it? So he's back in  
23       play."

24       What did you understand him to be saying there?

:26PM

25 A That such a discussion would be a sign to Emil

Harris - direct by Hamilton

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1 that he's still in the mix, still in the running.

2 Q And at line 22 you say:

3 "I mean, I don't know if you seem, think my  
4 assessment's, my assessment's off the mark  
5 but . . ."

6 what were you saying there?

7 A I was referring back to the assessment of Emil  
8 versus Louanner.

9 Q And you say at line 29:

10 "Yeah, I just don't see it. I mean, you'll get  
11 the kind of grief that's inside baseball grief,  
12 but nationally it's gonna be, you know, his  
13 legislative ally, his guy that was able,  
14 enabled him to do A, B, C, D E."

15 what are you saying?

16 A I was expressing my opinion that the selection of  
17 Emil Jones would be viewed nationally as and  
18 recognized, reviewed as the Governor having selected  
19 his legislative ally.

20 Q And starting at line 3 defendant Blagojevich  
21 says:

22 "You know, I see what you mean. Have that  
23 off-campus discussion with him. 'Cause now,  
24 let me ask you a question. Go back and forth  
25 on this Valerie Jarrett stuff. And they're,

:26PM

:26PM

:27PM

:27PM

:27PM

Harris - direct by Hamilton

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1       you know, their position is, we want her, he'll  
2       be grateful and appreciative. And that's it.  
3       Okay. And then that's the best they'll do.  
4       They'll, he'll be grateful and appreciative.  
5       Right? versus Emil. What's the better pick  
6       for me?"

7       what did you understand him to be saying?

8 A He was weighing the relative value of picking  
9 Valerie Jarrett versus Emil Jones if all Valerie  
10 Jarrett was to offer or all that came with Valerie  
11 Jarrett, Jarrett's appointment, was the gratefulness  
12 and the appreciation of the White House.

13 Q And at line 18 you say:

14       "I mean, absent any further definition on a  
15 sidebar discussion, I'd say Emil."

16       What were you saying there?

17 A I was saying that we would have to talk to Emil  
18 about his willingness to serve, how helpful he could  
19 be, the Governor's request of me to talk to Emil  
20 about his war chest, but that there was a lot to be  
21 said for grateful and appreciation of the White  
22 House and that we ought to look at that as the glass  
23 half full.

24       MS. HAMILTON: I don't have any further  
25 questions on that section, Your Honor.

:27PM

:28PM

:28PM

:28PM

:28PM

Harris - direct by Hamilton

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1 THE COURT: One hour.

2 THE MARSHAL: All rise.

3 (The following proceedings were had out of the  
4 presence of the jury in open court:)

5 THE COURT: We are in recess.

6

7

8 (Luncheon recess taken from 12:29 o'clock p.m.  
9 to 1:40 o'clock p.m.)

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:29PM

:29PM

Harris - direct by Hamilton

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3 UNITED STATES OF AMERICA, }  
4 Government, } No. 08 CR 888  
5 vs. } Chicago, Illinois  
6 ROD BLAGOJEVICH, } June 24, 2010  
7 ROBERT BLAGOJEVICH, }  
Defendants. } 9:39 o'clock a.m.

**VOLUME 14**  
**TRANSCRIPT OF PROCEEDINGS**  
**BEFORE THE HONORABLE JAMES B. ZAGEL**  
**AND A JURY**

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Harris - direct by Hamilton

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Harris - direct by Hamilton

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Harris - direct by Hamilton

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1 THE MARSHAL: All rise.

2 (The following proceedings were had in the  
3 presence of the jury in open court:)

4 THE COURT: Please be seated.

:38PM

5 You may resume.

6 MS. HAMILTON: Thank you, Your Honor.

7 At this time I would ask permission to  
8 continue with the publication of the call behind tab  
9 41 and we'll be picking up at Page 12, line 26.

:38PM

10 THE COURT: You may.

11 (Tape played).

12 JOHN HARRIS, GOVERNMENT WITNESS, PREVIOUSLY SWORN

13 DIRECT EXAMINATION (resumed)

14 BY MS. HAMILTON:

:40PM

15 Q Mr. Harris, I'd like to direct your attention to  
16 Page 12 of the transcript behind tab 41, please.

17 Are you there?

18 A Yes.

19 Q Starting at line 27 you say:

:49PM

20 "I mean, for example, you bring down, you bring  
21 valerie in, right? You talk to her. And you  
22 say to her, okay, we've gotten, you know,  
23 we've, all we've gotten from Obama is grateful  
24 and appreciative, right? But, you, ah, you sit  
25 down and talk to valerie and say listen, you

1 know, I need somebody that's gonna accompany me  
2 on trade missions. I need somebody that's  
3 gonna stand with me when we push our agenda  
4 downstate."

:49PM

5 And you go on from there to line 31, what are  
6 you saying in that portion of the call?

:50PM

7 A I'm explaining to the Governor what I believe to  
8 be the advantages to the Governor of appointing  
9 Valerie Jarrett as the senator, winning the  
10 President's thankfulness and appreciation, building  
11 an ally alliance with him through Valerie Jarrett  
12 and that Valerie Jarrett could help him increase his  
13 standing with the public and help him promote his  
14 agenda and that that was not necessarily a bad thing  
15 or not something that didn't have any value, that  
16 there may be significant benefit to him in his  
17 ability to govern by appointing Valerie Jarrett to  
18 the Senate.

:50PM

19 Q At line 222 you say:

:50PM

20 "It doesn't mean we delivered anything  
21 substantive, but in terms of just your, your  
22 public persona, not a bad thing."

23 what are you saying there?

:50PM

24 A Meaning earlier I talk about there's only  
25 6 months left, meaning the Governor's future or the

Harris - direct by Hamilton

2814

1 success of his second term is largely going to be  
2 won or lost in the next legislative session of  
3 Springfield and next 6 months before the campaign  
4 season for the next gubernatorial election, so we  
:51PM 5 will not have necessarily passed any substantive  
6 legislation or achieved any tangible  
7 accomplishments, but the fact that she was standing  
8 by his side promoting these programs and just by  
9 virtue of being with him, I thought that could help  
10 him enhance his reputation and win back some of the  
11 lost allies and some of the lost friends that we had  
12 before.

13 Q At line 32 Defendant Blagojevich says:

14 "Right, I agree with everything you're saying,  
15 but what does that do for you?"

16 what did you understand him to be saying there?

17 A I understood the Governor to be referring back to  
18 some personal benefit for himself beyond his  
19 governing ability and his governing success.

20 Q And then you say at line 35:

21 "Again, I think a Knapp and a Fred need to  
22 tell, tell us that, you know, what it's worth."  
23 what were you saying there?

24 A I was telling him that Knapp and Fred should be  
25 consulted and I believe they would also argue that

Harris - direct by Hamilton

2815

1 Valerie Jarrett as a political ally was worth a lot  
2 to the Governor's future political career.

3 Q At Page 14, line 18, Defendant Blagojevich says:  
4 we have to really develop, and I include you in  
5 this, but really develop a good plan to develop  
6 relationships and all the rest that we can take  
7 with us into the private sector, and then for  
8 me somehow figure out a way where I can use  
9 that private sector, you know, position myself  
10 in a private sector, somehow get in the mix  
11 over there, if ever. Know what I'm saying?"  
12 what did you understand him to be saying?

13 A I understood him to continue to be discussing  
14 opportunities for employment for himself or other  
15 ways of achieving economic security in the private  
16 sector.

17 Q And based upon the context of this call and the  
18 other conversations that you had, what relationship,  
19 if any, did you believe that concern had to do with  
20 his decision regarding the Senate Seat at this time?

21 A I understood him to be considering and exploring  
22 options that would enable him to achieve something  
23 in the private sector as it related to a deal  
24 regarding the appointment of someone to the Senate  
25 Seat.

:52PM

:53PM

:53PM

:53PM

:54PM

Harris - direct by Hamilton

2816

1 Q Moving forward to Page 17, starting at line 5,  
2 you say:

3 "You also trusted the values that you held as  
4 something that would be good for people. Now,  
5 as opposed to Thompson who, you know, as  
6 Governor he was a deal maker. When he left  
7 Governor and went into private sector, he  
8 remained a deal maker, right? Putting people,  
9 putting people together to make money. So what  
10 he's doing now, is what we did then."

11 What are you saying there?

12 A Well, throughout this conversation the Governor  
13 was somewhat depressed, or at least that was my  
14 interpretation of it, and was reflecting a lot on  
15 his career and what the future held for him.

16 I was just trying to point out that he had  
17 accomplished a lot, that he valued the things he  
18 valued, and that the fact that he wanted to continue  
19 to do those things in the future was something that  
20 should continue to motivate him going forward.

21 Q What was the point you were making with respect  
22 to -- when you say "Thompson," who were you  
23 referring to?

24 A Former Governor Thompson.

25 Q So what was the point you were attempting to

Harris - direct by Hamilton

2817

1 make, if any, with respect to the things you said  
2 about former Governor Thompson?

3 A Well, that I wasn't surprised that the Governor  
4 wanted, if he left office, to continue to be  
5 involved in some sort of issue advocacy with  
6 healthcare, or children, or kids. Governor Thompson  
7 was well regarded as somebody that promoted business  
8 interest in Illinois and moved the business interest  
9 of Illinois forward to the benefit of the State and  
10 that's something he can continue to do in the  
11 private sector.

12 Q So when you go on at line 21 you say:

13 " And for you to seize, for you to say, as a  
14 govern or, I'm a values governor, then you  
15 gotta leave government and do something, in  
16 that aren-, in that world, in the values world.  
17 So the 501(c)(3) or Change to Win or those seem  
18 like more logical fits for you than going and  
19 running a division of Motorola."

20 What were you saying there?

21 A I was referring back to the Governor's desire to  
22 go into the private sector to make money, but then I  
23 thought he would also want and need to be earning a  
24 living in a job that involved issues he was  
25 passionate about as opposed to just simply running a

:55PM

:55PM

:56PM

:56PM

1 division of Motorola; in other words, something he  
2 had heretofore not ever expressed an interest in  
3 that kind of employment or that kind of future.

4 Q All right. Going on Defendant Blagojevich says:

5 "Right, but you understand, it's very important  
6 for me to make a lot of money. I need the  
7 independence. I, I, I need the freedom. You  
8 know, among the things that I, we've dealt with  
9 that I've learned, that I knew anyway but I  
10 really know and experienced the feel is, that  
11 the vulnerability that my family is under  
12 because of my public responsibilities that I've  
13 made my children and my wife vulnerable. You  
14 follow?"

15 what did you understand him to be saying at  
16 that point.

17 A I understood him to be expressing his anxiety  
18 about the financial security of his family, the fact  
19 that he wanted to make a lot of money after leaving  
20 office and he wanted to be independent, that his  
21 ability to make money to be independent of other  
22 people's actions or decisions after he left  
23 government.

24 Q And he goes on at line 6 to say:

25 "I've got the scrutiny going on, lawyers to pay

Harris - direct by Hamilton

2819

1 for."

2 what did you understand him to be referring to?

3 A The federal investigation and his mounting legal  
4 bills.

:58PM

5 Q And then he says:

6 "How the hell am I going to send my kid to  
7 college, that's the biggest f'ing downside  
8 that, you know, I'm really dealing with. And  
9 it's like, never again am I ever gonna f'ing  
10 screw my kids and my family, and put them in a  
11 position like this. I gotta fix this. You  
12 know, hence the idea of being here for two more  
13 years and then just, you know, in an  
14 environment where, they're gonna, I'm gonna  
15 have to fight tax increases and a guy whose  
16 gonna just like continue to block what I'm  
17 trying to do. You know what I'm saying?"

:58PM

18 what did you understand him to be saying at  
19 that point?

:58PM

20 A I understood him to be expressing his frustration  
21 about his future, his financial needs, as he saw  
22 them, and where the prospects were for him to  
23 continue serving as Governor for the balance of his  
24 term.

:59PM

25 MS. HAMILTON: Judge, I now ask permission to

Harris - direct by Hamilton

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1 publish call session 533 and 535 which correspond to  
2 the transcript behind tab 44.

3 THE COURT: Give me a moment.

4 (Brief pause).

5 :59PM THE COURT: You may do so.

6 MS. HAMILTON: Thank you.

7 (Tape played)

8 :07PM MS. HAMILTON: Judge, just for everyone's  
9 reference, that's the last transcript in Transcript  
10 Binder 1 that I intended to ask this witness about.

11 THE COURT: okay.

12 BY MS. HAMILTON:

13 Q Now, Mr. Harris, the call we heard before that  
14 that we went through, you indicated you were on your  
15 way to Midway Airport to go to Springfield, correct?

16 A Yes.

17 Q At some point after that phone call, did you  
18 receive a phone call from anyone confirming the news  
19 reports regarding Valerie Jarrett?

20 A Yes, Chief of Staff designate Rahm Emanuel.

21 Q And where were you when he called?

22 A In my Springfield office.

23 Q And did he relay anything else to you with  
24 respect to the Senate Seat?

25 A Yes, he relayed to me the names of four

Harris - direct by Hamilton

2821

1 candidates that the President-Elect would have no  
2 objection to if the Governor selected a senator.

3 Q Did you relay the substance of your call with  
4 Mr. Emanuel to Defendant Blagojevich?

:08PM

5 A Yes, later that morning.

6 MS. HAMILTON: Judge, at this time could I  
7 approach the witness to hand Transcript Binder 2?

8 THE COURT: You may.

:08PM

9 MS. HAMILTON: And I'd ask permission to  
10 publish the call behind tab 45.

11 THE COURT: Is there anybody in the jury who  
12 doesn't have that?

13 You can proceed.

14 MS. HAMILTON: Thank you, Your Honor.

:09PM

15 (Tape played)

16 BY MS. HAMILTON:

17 Q Mr. Harris, I want to direct your attention to  
18 Page 1 of the transcript behind tab 45.

19 Are you there?

:16PM

20 A Yes, ma'am.

21 Q Now, this call was on November 12th, 2008, at  
22 10:26 a.m., is that right?

23 A Yes.

24 Q And at Lines 3 to 4 Defendant Blagojevich says:  
25 "So Knapp tells me Valerie Jarrett is out."

:16PM

Harris - direct by Hamilton

2822

1       what did you understand him to be saying?

2 A I understood the Governor had had a conversation  
3 with Bill Knapp, his political consultant, who  
4 informed him that Valerie Jarrett is out of the  
5 running for the Senate Seat and would be going to  
6 the administration in another capacity.

7 Q And you say:

8       "Yeah, I just got a call from Rahm. Three,  
9       three issues."

10      what were you saying there?

11 A That I had heard the same thing from Rahm Emanuel  
12 and that there were three issues Rahm discussed with  
13 me.

14 Q Starting at line 9 you say:

15       "Pass on three things to Rod and I'm available  
16       to speak to him if he'd like to. He just  
17       wanted to hurry up because he's going into  
18       meetings."

19      You then at line 14 said:

20       "Valerie Jarrett is going to the White House.  
21       He gave us four names that the President would  
22       find acceptable."

23      what were you saying in that portion of the  
24       call?

25 A I was delivering the message from Rahm that he

Harris - direct by Hamilton

2823

1 asked me to pass on to the Governor.

2 Q And the bottom of Page 1, line 22, you say --  
3 well, first at at line 20 you say:

4 " Not in any rank order."

5 "Jesse Jackson, Jr."

6 And on to Page 2, line 2 you say:

7 Jan Schakowsky, Tammy Duckworth, Dan Hynes."

8 what were you saying in that portion of the  
9 call?

:17PM 10 A Again, delivering the message from Rahm that  
11 these candidates that the President-Elect would find  
12 acceptable for selection to the vacant Senate Seat.

13 Q Line 8 you say:

:18PM 14 "He doesn't, doesn't want to say who he doesn't  
15 like, but take it basically that if they're not  
16 on this list, he's not high on 'em. The  
17 unspoken there was Emil."

18 what were you saying there?

:18PM 19 A That Rahm had intimated to me that Emil Jones was  
20 not a favorite candidate of the President-Elect's.

21 Q All right. And I've asked you previously in your  
22 testimony about Jesse Jackson, Jr., Jan Schakowsky,  
23 and Tammy Duckworth. Who is Dan Hynes?

24 A Dan Hynes was the Illinois State comptroller.

25 Q And you indicated that Mr. Emanuel, I think you

Harris - direct by Hamilton

2824

1 said, had intimated that Emil was not high on his  
2 list, or something like that, what did you mean by  
3 that?

4 A Meaning that was the third message he wanted to  
:19PM  
5 deliver, the third issue he discussed.

6 Q And on Page 2, line 25, you say:

7 "And, ah, if we got any questions to call him  
8 back or, and Rahm's happy to talk to you. And  
9 I said to him, "so is there anyone else out  
10 there authorized to be having discussions with  
11 us on this issue?" And he said "No," just him.  
12 I said, "contrary to representations that may  
13 have been made, made by others" and he said  
14 'yes.'"

15 :19PM  
16 what are you saying in that portion of the  
conversation?

17 A I was explaining to the Governor that I had asked  
18 Rahm Emanuel whether anybody else was authorized to  
19 talk on behalf of the Obama camp on the question of  
20 the Senate Seat. I was specifically, in my mind,  
21 referring to Tom Balanoff, although I didn't mention  
22 that to Rahm, to get his reaction to my question,  
23 and he said no one else is authorized.

24 Q Was that significant to you?

25 A Well, yes, but not dispositive of the question.

Harris - direct by Hamilton

2825

1 Q what do you mean by that?

2 A Meaning I just wanted to know Rahm's position on  
3 it, whether or not anyone else can speak for him in  
4 the event that the Governor wanted to ask Tom  
5 Balanoff to follow up or in the event that the  
6 Governor wanted to ask Rahm about it in a follow-up.

7 Q when you say it wasn't dispositive, what do you  
8 mean by that?

9 A Well, Rahm may have had his own agenda and not  
10 necessarily have been speaking for the President.

11 Q On Page 3 you say at line 1:

12 "So you know what I was getting at with that."

13 And Defendant Blagojevich says:

14 "Balanoff."

15 And so what did you understand Defendant  
16 Blagojevich to be saying there?

17 A That he understood the purpose of my question to  
18 Mr. Emanuel.

19 Q At line 8 you say:

20 "And at the airport I grabbed Emil."

21 Had you, in fact, seen Emil Jones at the  
22 airport?

23 A Yes, we both were boarding the aircraft for  
24 Springfield approximately at the same time that  
25 morning.

Harris - direct by Hamilton

2826

1 Q And at line 22 you say:

2 "Daley wants Valerie."

3 what were you saying there?

4 A That Mr. Jones had told me that Mayor Daley had  
:21PM  
5 called him and was asking Emil Jones for his  
6 assistance in getting the Governor to appoint  
7 Valerie Jarrett.

8 Q At line 26 Defendant Blagojevich says:

9 " Knapp tells me Rahm was pushing Valerie  
:21PM  
10 because he wants more control over the  
11 President, doesn't want somebody close to her  
12 to him in there."

13 what did you understand him to be saying there?

14 A I understood the Governor to be telling me about  
:21PM  
15 a conversation he had with Bill Knapp and what Bill  
16 Knapp had told him, that it was Knapp's belief that  
17 Rahm Emanuel was the person behind advocating  
18 Valerie Jarrett's appointment, one of his motives  
19 was he didn't want her working in the White House  
20 close to the President.

21 Q At line 8 Defendant Blagojevich says:

22 "Who calls him and asks him what about an issue  
23 advocacy PAC? Issue advocacy thing, can we get  
24 George Soros and these guys to put 10, 15  
25 million dollars in something? who makes that

:22PM

Harris - direct by Hamilton

2827

1 request? To Rahm."

2 what did you understand Defendant Blagojevich  
3 to be saying there?

4 A That he wanted somebody to call Rahm Emanuel  
:22PM 5 about the idea of getting Barack Obama's supporters,  
6 the billionaires discussed earlier, to endow an  
7 issue advocacy PAC foundation along the lines that  
8 the Governor previously described.

9 Q Now, in the previous discussions had Defendant  
:22PM 10 Blagojevich ever suggested that kind of request be  
11 made to Rahm Emanuel?

12 A No, it was still internal discussions.

13 Q Based upon the context of this call, did you have  
14 any understanding as to why Defendant Blagojevich  
:23PM 15 was making the suggestion that this request be made  
16 to Rahm Emanuel?

17 A I think he wanted to pursue the idea and that  
18 Rahm Emanuel would be somebody who could make it  
19 happen.

20 Q At line 14 you say:

21 "Probably Wyma or me."

22 what were you saying there?

23 A In response to his question who would make the  
24 request, I responded John Wyma or myself.

25 Q And why was it in this context that you suggested

Harris - direct by Hamilton

2828

1 John Wyma or yourself?

2 A I was trying to buy some time. I wasn't  
3 intending to make a call or such an ask and I didn't  
4 think John Wyma would either, and I would've reached  
5 out to John Wyma eventually, but I also believed  
6 that John Wyma would not pursue this PAC.

7 Q When you say you were trying to buy some time,  
8 what do you mean?

9 A Well, if I didn't answer the Governor's question  
10 of who might make the call, he might make the call  
11 himself or might ask somebody else to make the call  
12 and I thought that would be problematic.

13 Q You thought that would be problematic why?

14 A Because I thought such a course of action was not  
15 going to be well received and it would be wrong, in  
16 the first instance, to pursue it.

17 Q Did you think that this was problematic  
18 politically?

19 A Yes.

20 Q And why is it that you thought it was problematic  
21 politically?

22 A Because it puts the White House in a very  
23 delicate position of being asked to raise funds to  
24 endow a foundation that would be set up by the  
25 Governor as he described it. It would be

:23PM

:24PM

:24PM

:24PM

:25PM

1 problematic for the Governor because it would be  
2 somewhat transparent if it was set up commensurate  
3 with his appointment of Valerie Jarrett. I just  
4 thought it would be over the top in terms of an ask.

:25PM

5 Q When you say it would be somewhat transparent,  
6 what do you mean by that?

:25PM

7 A That the supporters that were going to endow  
8 these were not supporters of the Governor's, not  
9 traditionally, not in the past that I was aware of,  
10 that in asking these billionaires to set up a  
11 foundation and appoint the Governor's close friends  
12 and allies to serve on the board of directors would  
13 be transparent.

:26PM

14 Q At Page 5, at line 22 you say:  
15 "What's interesting about the list, because he  
16 made a point to say no rank order, is an Asian,  
17 a white female, a male, female, I mean a male  
18 white and one male black."

:26PM

19 what Defendant Blagojevich says at line 28:  
20 "Right, it's a BS list."

21 what did you understand him to be saying?

22 A I understood the Governor to believe that the  
23 list was not a sincere list of candidates but rather  
24 a political list in the event that information  
25 became publicly known if the Governor -- I'm sorry,

:26PM

Harris - direct by Hamilton

2830

1 if the President-Elect had expressed a preference  
2 for a Senate candidate, that the President-Elect  
3 would want the list to reflect a diverse group of  
4 individuals so that not to offend any particular  
5 group or politician.

:26PM

6 Q At line 29 you say:

7 "As of now, no intention of making that list  
8 public, clearly."

9 What are you saying there?

:27PM

10 A That we should not publish the list and I didn't  
11 expect the Rahm Emanuel would be publishing the  
12 list.

13 Q At line 31 Defendant Blagojevich says:

14 "Right. Why don't you bounce back, why don't  
15 you go back and talk to him about . . ."

16 and on to the next page:

17 "... the healthcare PAC, I mean the advocacy  
18 thing."

19 What did you understand him to be saying there?

:27PM

20 A Again, he was asking me to raise the idea of the  
21 501(c)(4) with Rahm Emanuel.

22 Q And at line 4 he says:

23 "What do you think?"

24 And at line 5 you say:

25 "I think we should strategize a little bit more

:27PM

Harris - direct by Hamilton

2831

1 before we do that."

2 And line 8 you say:

3 "A little more."

4 what were you saying there?

:27PM

5 A I was stalling for some time in order to delay  
6 any steps down this path.

7 Q And at line 9 Defendant Blagojevich says:

8 "All right, let's think about it."

9 what did you understand him to be saying there?

:28PM

10 A That he was prepared to wait for further  
11 discussions on the subject before we did anything.

12 Q At line 10 you say:

13 "Okay, and who might be the best person to bring  
14 that message forward."

:28PM

15 And you go on:

16 "Because they're clearly diluting the value of  
17 the ask."

18 what were you saying there?

:28PM

19 A I was telling them that I would think about who  
20 might be able to carry that message. I also  
21 expressed to him my opinion that clearly by giving  
22 us these lists of names and the fact that Valerie  
23 Jarrett has been selected to join the  
24 President-Elect at the White House, that there was  
25 very little left for the Governor to bargain with,

Harris - direct by Hamilton

2832

1 if anything.

2 Q You go on at line 16:

3 "Meaning they're, they're reducing its  
4 importance when they give you two whites and a  
5 black and an Asian, it sounds like the only  
6 thing they really don't want is Emil."  
7 what are you saying there?

8 A That they're really not asking us to do anything  
9 other than perhaps not appoint Senator Jones, I saw  
10 that as relatively speaking of less value to the  
11 white House in terms of their interests.

12 Q At line 24 Defendant Blagojevich says:

13 "Emil still wants it, right?"  
14 what did you understand him to be asking you?

15 A whether Emil Jones still wants to be the senator.

16 Q At line 25 you say:

17 Yeah, this morning when I saw him he says,  
18 "yeah, Daley called me." I say, "yeah,  
19 whenever anybody asks us about anybody and I  
20 didn't mention specific. I says, "we, we say  
21 what about Emil. we don't say Emil's asking  
22 for it. we just say what about Emil" and he  
23 smiled, he said, "good, good, good."

24 what are you saying there?

25 A I was reassuring Senator Emil Jones that he was

Harris - direct by Hamilton

2833

1 still being considered by the Governor.

2 Q And what you relayed at those lines, had you, in  
3 fact, had discussions similar to that with  
4 Mr. Jones?

:30PM

5 A Yes.

6 Q On Page 7, at line 1, Defendant Blagojevich says:  
7 "when you gonna have that off-campus  
8 conversation?"

9 What did you understand him to be asking you?

:30PM

10 A The Governor was --

11 (Loud, crashing noise.)

12 THE COURT: I believe this table was provided  
13 to me by the lowest bidder.

14 You can go on.

:30PM

15 BY THE WITNESS:

16 A I understood the Governor to be asking me to have  
17 a conversation with Emil Jones along the lines that  
18 he had previously discussed with me about the  
19 possibility of appointing Emil Jones to the vacant  
20 Senate Seat and that part of that appointment would  
21 involve Emil Jones transferring some or all of his  
22 campaign funds, remaining campaign funds and  
23 available funds, to the Governor's campaign account.

24 Q And you said at line 3:

25 "I told him I wanted to see him after business

:31PM

Harris - direct by Hamilton

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1           was done off site, he said okay."

2           what are you saying there?

3 A I told him I would have that conversation later  
4 in the day.

:31PM

5 Q And at line 9 Defendant Blagojevich says:  
6           All right, good. All right. Let's keep, give  
7           it some more thought. Talk to Emil about that  
8           and, ah, let me take this call."

:31PM

9           what did you understand Defendant Blagojevich  
10 to be saying?

11 A To give more thought to the 501(c)(4) PAC or  
12 issue advocacy idea that he had discussed with me  
13 previously and then to go ahead and have that  
14 conversation with Emil Jones.

:31PM

15 Q Mr. Harris, at the end of this conversation, what  
16 was your understanding as to what, if anything, was  
17 going to be done next with respect to an ask for  
18 money to be put into a 501(c)(4)?

:32PM

19 A That there would be more internal discussions  
20 with myself, perhaps Bob Greenlee or Bill Quinlan,  
21 and that we would talk back with the Governor more.

22           MS. HAMILTON: Judge, at this time I'd ask  
23 permission to publish the call behind tab 46 which  
24 is session 540.

:32PM

25           THE COURT: Sure.

1 (Tape played).

2 MS. HAMILTON: I ask permission to publish  
3 call session 558 which is at tab 54.

4 THE COURT: You may.

:33PM

5 (Tape played)

6 BY MS. HAMILTON:

7 Q Mr. Harris, at Page 1 the date and time of the  
8 call is November 12th, 2008, at 12:36 p.m., is that  
9 right?

:37PM

10 A Yes.

11 Q So where are you when this call takes place?

12 A In my Springfield office during the veto session.

13 Q At line 2 Defendant Blagojevich says:

14 "Here's my criterion, you wanna hear it now? I  
15 told Patti?"

:37PM

16 what did you understand he was referring to?

17 A His criterion for the selection of the senator.

18 Q At line 5 Defendant Blagojevich says:

19 "These three criterion in this order. Our  
20 legal situation. Our personal situation. My  
21 political situation. This decision like every  
22 other one needs to be based upon, on, on that.  
23 Legal, personal, political. what do ya think?"  
24 what did you understand him to be saying there?

:37PM

25 A That his selection needs to satisfy those three

1 interests.

2 Q And when he says "our legal situation," what was  
3 your understanding as to what that was a reference  
4 to?

:38PM

5 A The legal investigation of his administration and  
6 his family finances.

7 Q "Our personal situation," what was your  
8 understanding of what he meant by that?

:38PM

9 A His personal economic security, his need to  
10 secure some sort of economic future for himself.

11 Q And when he says "my political situation," what  
12 was your understanding of what he was referring to?

13 A His political -- continued political viability  
14 either now or in the future.

:38PM

15 Q And at line 8 when he says, this decision like  
16 every other needs to be based on that, legal,  
17 personal, political," did you have any understanding  
18 prior to this call that that was a basis on which  
19 Defendant Blagojevich was making decisions?

:39PM

20 A No, this is the first time he articulate it to me  
21 that way.

22 Q At line 11 you say:

23 "Yeah, they all intersect or overlap. Legal is  
24 the hardest one to satisfy. You know, that  
25 would argue most for somebody who's real close

:39PM

Harris - direct by Hamilton

2837

1 to you or somebody who owes it all to you."

2 what are you saying there?

3 A I was saying to him that it wasn't apparent to me  
4 how a Senate selection would help him with his legal  
5 situation, but I had in mind what he might be  
6 thinking when I said somebody disclose to him.

7 Q And when you said somebody close to him, what did  
8 you mean?

9 A Meaning appointing a senator who was close to him  
10 that would look out for his interests, including his  
11 legal interests.

12 Q And when you say someone close to him, what was  
13 your understanding as to how that might help  
14 Defendant Blagojevich's legal interests?

15 A Somebody who was a U.S. Senator who would try to  
16 influence or otherwise put pressure on the Justice  
17 Department to back off on the federal investigation.

18 Q And at line 19 Defendant Blagojevich says:  
19 "Including myself."

20 And you say:

21 "Including yourself."

22 what did you understand him to mean when he  
23 said "including myself"?

24 A Appointing himself as senator.

25 Q Did you have any understanding based upon this

Harris - direct by Hamilton

2838

1 conversation as to how appointing himself to senator  
2 would help his legal situation?

3 A Not a clear understanding other than he would be  
4 a sitting U.S. Senator.

:40PM

5 Q And at line 22 Defendant Blagojevich says:  
6 'I mean, think about that. They want me here in  
7 Illinois. That's a faraway Illinois problem  
8 from my old life.'

:41PM

9 what did you understand him to be saying?  
10 A That the Obama administration would rather keep  
11 the Governor at a distance, a distance that was not  
12 as far if he was a U.S. Senator.

:41PM

13 Q At Page 2, starting at line 6, Defendant  
14 Blagojevich says:

:41PM

15 "And from a legal standpoint on the substance  
16 of, you know, did, did you do something wrong  
17 or didn't you do something wrong, it didn't  
18 change that. But in terms of, of the, the  
19 people who are trying to chase all that down  
20 and does it change any dynamic if you're there  
21 versus back here."

:41PM

22 what did you understand him to be saying?

23 A That regardless of who was appointed senator,  
24 whether someone close to him or himself, that  
25 doesn't change the facts surrounding the

Harris - direct by Hamilton

2839

1 investigation or involved in the investigation, but  
2 it might change the level of aggressiveness or the  
3 level of pursuit of the federal authorities.

4 Q Now, Mr. Harris, not this call but the last call  
5 that we heard, you testified about the fact that you  
6 understood Defendant Blagojevich to be directing you  
7 to have the off-campus discussion with President  
8 Senate Jones, do you remember that?

9 A Yes.

10 Q At some point on November the 12th did you in  
11 fact have a discussion with Mr. Jones?

12 A Yes.

13 Q And did that conversation take place in  
14 Springfield?

15 A Yes.

16 Q Generally, what happened in that meeting with  
17 Mr. Jones?

18 A I discussed several issues with Mr. Jones that  
19 afternoon, some of them had to do with matters  
20 pending during the veto session.

21 We talked generally about the Senate Seat  
22 that the Governor I believed next to himself,  
23 meaning the Governor himself, viewed Emil Jones as  
24 his next favorite candidate and that the Governor  
25 had made no decision yet.

:42PM

:42PM

:42PM

:42PM

:43PM

Harris - direct by Hamilton

2840

1 Q Did you -- I'm sorry, did I interrupt you?

2 A No.

3 Q Did you say anything to Mr. Jones as Defendant  
4 Blagojevich had instructed you regarding his  
5 campaign war chest?

6 A I discussed the senator's campaign war chest but  
7 not in the terms that the Governor had asked me to.

8 Q How did you discuss it?

9 A I discussed the fact that I had read recently an  
10 article in the local paper about the fact that the  
11 senator may be able to convert some portion of his  
12 campaign war fund, his campaign war chest, into  
13 personal use because he met the qualifications under  
14 Illinois state law that allowed certain politicians  
15 who had balances in their campaign funds before a  
16 certain date to convert those balances to personal  
17 use after paying taxes on that amount and that any  
18 remaining dollars would be unable to be used for  
19 personal use.

20 I asked him what he intended to do with those  
21 campaign funds after he left the Senate because he  
22 was stepping down from the Senate presidency  
23 position, was not seeking reelection. He said that  
24 he intended to remain politically active. And I  
25 said words to the effect of, "are you going to

1 continue to support like-minded Democrats," and he  
2 said "yes," and that was about the end of our  
3 conversation.

4 Q How was that different, in your mind, from what  
5 you understood Defendant Blagojevich had directed  
6 you to relay to Senate President Jones?

7 A I understood the Governor wanted me to make it  
8 clear to President Jones that in consideration for  
9 his appointment to the Senate Seat, Senate President  
10 Jones would be expected to give some or all of his  
11 campaign war chest or remaining campaign war chest  
12 to the Governor's campaign fund.

13 Q why is it that you did not deliver the message  
14 that you understood Defendant Blagojevich directed  
15 you to relay?

16 A Because I felt uncomfortable doing it, I thought  
17 it would be wrong, and I also thought that given the  
18 relationship between President Jones and Governor  
19 Blagojevich, that if and when the Governor wanted to  
20 talk to Senate President Jones about his appointment  
21 for the Senate Seat, it would come up then between  
22 them.

23 Q At some point after your meeting with Mr. Jones,  
24 did you talk with Defendant Blagojevich about that  
25 meeting?

:44PM

:45PM

:45PM

:45PM

:45PM

Harris - direct by Hamilton

2842

1 A Yes.

2 MS. HAMILTON: Your Honor, at this time I'd  
3 ask permission to publish call session 589 and the  
4 transcript is at tab 56.

:46PM

5 THE COURT: Yes, you may.

6 (Tape played).

7 BY MS. HAMILTON:

8 Q Mr. Harris, I want to direct your attention to  
9 the first page of the transcript behind tab 56.

:55PM

10 A Yes.

11 Q And this call took place on November the 12th,  
12 2008, at 5:30 p.m., is that right?

13 A Yes.

14 Q Were you still in Springfield at this time?

:55PM

15 A Oh, yes.

16 Q Starting at line 12 you say:

17 "Well, I talked to him about life after the  
18 Senate and how, you know, everyone is going to  
19 go off to Washington and live happily ever  
20 after and Rod, you know, Rod is stuck here with  
21 this, you know, BS unable to get anything done.  
22 Regardless of who the Senate President is and  
23 you know, how, how, how might Emil be helpful.  
24 And he says, I says, "you know, because next to  
25 him, you're his favorite candidate." I mean

:55PM

Harris - direct by Hamilton

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1       next to yourself."

2       what are you saying there?

3 A I was just describing a conversation, parts of it  
4 were accurate, some of it wasn't.

:55PM

5 Q And what was it that wasn't accurate?

:56PM

6 A Well, as I mentioned before, my conversation with  
7 Emil covered a variety of topics, one of them was  
8 the Senate Seat. I told Senator Jones that Emil  
9 Jones was the Governor's favorite candidate next to  
10 himself.

11 Q You did tell him that?

12 A Yes.

:56PM

13 Q On Page 2 starting at line 2, do you then through  
14 the end of the page go through in some detail part  
15 of the back and forth of your conversation with  
16 Mr. Jones earlier that day?

17 A Yes.

:56PM

18 Q The description that you gave to Defendant  
19 Blagojevich in this call, did it accurately reflect  
20 the nature of your conversation with Mr. Jones?

21 A In part.

:56PM

22 Q What do you mean "in part"?

23 A Well, I did discuss with Senator Jones the fact  
24 that no one other than Emil has been a friend to the  
25 Governor, none of the other persons that were being

1 considered were as good a friend, nor could we count  
2 on to continue to be a strong ally if he were chosen  
3 as senator.

4 I believe the impression I gave the Governor  
5 was that we talked about the campaign funds in Emil  
6 Jones's war chest, the big bucket of money, in the  
7 context of the appointment which was not the case.

8 Q All right. So are you saying that in this  
9 conversation you misrepresented the fact that the  
10 conversation about the big bucket of money was in  
11 relation to the Senate Seat discussion?

12 A Yes.

13 Q Why is it that you misrepresented that to  
14 Defendant Blagojevich in this call?

15 A Again, I thought that Emil Jones would be on  
16 notice that, you know, the topic of money --

17 MR. SOROSKY: Objection, Your Honor.

18 THE COURT: It's overruled. It explains his  
19 reasoning.

20 BY THE WITNESS:

21 A I believe that the Governor would be having  
22 several conversations with Emil Jones about the  
23 subject of the Senate Seat if the Governor intended  
24 to appoint him. That if the Governor wanted to ask  
25 for the money, he would do so himself.

1                   Emil Jones is a friend and somebody that I  
2 grew to like a lot and we had a very close  
3 relationship and I knew the Governor and Senator  
4 Jones had a close relationship, I didn't need to  
5 have that conversation with Senator Jones.

6 Q Well, Mr. Harris, why didn't you just tell  
7 Defendant Blagojevich "I'm not going to relay that  
8 message to Senator Jones, if you want to do it, do  
9 it yourself"?

10 A Because it was a conversation I knew would happen  
11 anyway. If I simply told him I wasn't going to do  
12 it, he would be disappointed and we'd get into an  
13 argument about why, and it just didn't seem to be  
14 worth the fight at the time, that I was trying to  
15 work on other things during the legislative session.

16 Q On Page 3, line 35, Defendant Blagojevich says:  
17                   "One thing we should say is, look, what if I  
18                   were to run Senate. We need him as a stalking  
19                   horse in there to keep Junior and these, ah,  
20                   you know, keep it from getting ..."

21                   What did you understand him to be saying there?

22 A The Governor was referring to the fact that Emil  
23 Jones had indicated to me that if he were appointed  
24 to the Senate Seat, he wouldn't seek reelection  
25 after 2 years.

:58PM

:58PM

:58PM

:59PM

:59PM

1 what the Governor is telling me is that in  
2 the event he does appoint him, part of that  
3 discussion would mean that Emil Jones would keep his  
4 intent of not to run for reelection secret or not  
:59PM  
5 disclose that, that he would remain in the race  
6 until the last possible minute or some time when it  
7 was politically feasible to keep others from seeking  
8 the seat in the event that Governor Blagojevich  
9 wanted to run for the open seat at the end of  
:00PM  
10 2 years.

11 Q And in the reference to Junior on line 38, who  
12 did you understand Defendant Blagojevich to be  
13 referring to?

14 A Congressman Jesse Jackson, Jr.

15 Q On Page 4, line 4, you say:

16 "So it was good, you know. And then he's, you  
17 know about Obama. I said to him, you know,  
18 "how, how confident are you that he wants you?"  
19 So he kinda looked at me, you know, and I kinda  
20 looked at him. So he knew and he says, "well,  
21 I don't think he'll go out of his way to stop  
22 it."

23 what are you saying there?

24 A I am relaying to the Governor part of the  
25 conversation with Senator Jones.

Harris - direct by Hamilton

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1 I had asked Senator Jones whether or not  
2 Obama is still backing him for the senator or he  
3 believed he was backing him. And Senator Jones  
4 responded to me words to the effect that he didn't  
5 think President Obama would go out of his way to  
6 stop it.

7 Q And Defendant Blagojevich says at line 12:  
8 "He did say that? I don't think he'll go out  
9 of his way to stop him? Wow."

10 :01PM what did you understand him to be saying?

11 A It was quite a significant statement for Emil  
12 Jones to make that President Obama may not be  
13 backing him despite their close friendship. Senator  
14 Jones had been a political mentor to then State  
15 Senator Obama.

16 Q At line 16 you say:

17 :01PM "In other words, he acknowledges, to me  
18 privately, that he recognizes Obama isn't going  
19 to be, you know, championing, his cause."

20 :01PM what were you saying there?

21 A I was retelling the fact that Senator Jones  
22 acknowledged the level of support he believed he  
23 would get from President-Elect Obama.

24 Q At line 20 Defendant Blagojevich says:

25 :02PM "So does he think it's possible I could send

Harris - direct by Hamilton

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1 myself or did he dismiss that?"

2 what did you understand him to be asking you?

3 A whether Senator Jones believed that it was  
4 possible that the Governor might appoint himself to  
5 the seat, and I told him yes.

6 Q At line 24 you say:

7 "Yes, and so I wanted to leave that impression  
8 only because, you know, we're left here F,  
9 stuck in the mud, you know, weakened because of  
10 that f'ing ethics bill."

11 what are you saying there?

12 A That one of the reasons that the Governor wanted  
13 to appoint himself was because the balance of his  
14 term, the remaining 2 years, were going to be  
15 difficult enough as it was, made more difficult  
16 enough as it was, made more difficult by the fact  
17 that the ethics bill would limit the Governor's  
18 ability to fundraise.

19 Q Had you, in fact, said that to Senate President  
20 Jones?

21 A we discussed the ethics bill and the fact that  
22 Emil Jones went back on his word not to call the  
23 vote for a veto override.

24 Q At Page 5, at line 9 Defendant Blagojevich says:  
25 "See if we get, where's the senator."

Harris - direct by Hamilton

2849

1       what did you understand him to be saying there?

2 A I don't know.

3 Q And at line 13 he says:

4       "So what's your sense of this?"

5       what did you understand him to be asking you?

6 A On that section, I'm not quite sure.

7 Q At line 14 you say:

8       "I think he really wants it and, you know, I  
9       think he would be helpful in a lot of ways,  
10       obviously, you know, not as helpful as you  
11       would be to yourself, but, you know, in terms  
12       of any other elected official, you know, he'd  
13       be as helpful as them."

14       What were you saying there?

15 A That Senator Jones was still very interested in  
16 being appointed senator and that he would be a  
17 friend, continue to be a helpful ally as any other  
18 elected official, more so because of his political  
19 effectiveness.

20 Q On Page 6 at line 21 Defendant Blagojevich says:

21       "So he's not going to do anything to take away  
22       that power from me, is he?"

23       what did you understand him to be asking you?

24 A That Senator Jones was not entertaining the idea,  
25 nor did he indicate to me in any way that anybody

Harris - direct by Hamilton

2850

1 was attempting to move legislation in Springfield  
2 that would strip the Governor of his power to make  
3 the appointment to fill the vacant Senate Seat.

4 One of the reasons for my discussions with  
5 Emil was, of course, to reassure him that he was  
6 still under consideration as one way of keeping him  
7 from entertaining legislative action that would  
8 strip the Governor of the power to make the  
9 appointment.

10 Q All right. Mr. Harris, I want to briefly change  
11 topics --

12 THE COURT: Stop for a second.

13 If you're going to change topics, we'll take  
14 the break now.

15 THE MARSHAL: All rise.

16 (The following proceedings were had out of the  
17 presence of the jury in open court:)

18 THE COURT: We're in recess.

19 You may step down.

20 (Recess.)

21 THE MARSHAL: All rise.

22 THE COURT: Please be seated.

23 You may resume.

24 MS. HAMILTON: Thank you, Your Honor.

25

Harris - direct by Hamilton

2851

1 BY MS. HAMILTON:

2 Q Mr. Harris, you previously testified about what  
3 you had understood to be defendant Blagojevich's  
4 personal interest in the University of Illinois  
5 Board, do you remember that?

6 A Yes.

7 Q Can you briefly explain for the jurors what the  
8 University of Illinois board does.

9 A The University of Illinois Board of Trustees are  
10 the policy and governing body overseeing the  
11 University of Illinois system which is comprised of  
12 Champaign, Urbana campus; University of Illinois at  
13 Chicago, and other campuses around the State,  
14 smaller campuses.

15 They are the body that sets the budget, hires  
16 or selects the university president and chancellors,  
17 and other executive officers in the university  
18 system, the provosts, as well as ensure the  
19 university is fulfilling its mission and its  
20 charter.

21 MS. HAMILTON: Your Honor, I'd ask permission  
22 to publish call session 679 which is at tab 64 in  
23 Binder 2.

24 THE COURT: You may do that.

25 MR. SOROSKY: Your Honor, we would object to

:26PM

:26PM

:26PM

:27PM

:27PM

1 this. This is 404(b) issue-type matter. It has  
2 nothing to do with the indictment.

3 THE COURT: You can come to the side on this  
4 one.

5 :27PM (Proceedings heard at sidebar on the record.)

6 THE COURT: This is my sidebar, it doesn't  
7 count against you.

8 MR. SOROSKY: Thank you.

9 THE COURT: Okay where are we.

10 :32PM MR. SOROSKY: Your Honor, this call session  
11 679 is a call related to discussions about the  
12 University of Illinois Board. This is not charged,  
13 it is not relevant, Your Honor.

14 THE COURT: Okay.

15 :32PM MS. HAMILTON: Your Honor, this call is  
16 directly relevant to the charges in this case for a  
17 number of reasons. First of all, the indictment  
18 alleges a scheme to personally benefit through his  
19 role as Governor. It does delineate specific ways  
20 in which he does so and has general language which  
21 incorporates a number of things which would clearly  
22 include his interest in who is put on the U. of I.  
23 Board because he later wants to try to get a job  
24 there.

25 :33PM In addition, there has already been testimony

Harris - direct by Hamilton

2853

1 in this case and is alleged in the indictment his  
2 interest and knowledge in controlling certain boards  
3 specifically for his own personal before.

4 This call directly shows that he does have  
5 knowledge of the boards, he knows that he is the one  
6 who put the people on the board, and that he himself  
7 is the one who makes those decisions.

8 So for those reasons, this call is directly  
9 relevant to the charges in this case, it is not  
10 404(b).

11 THE COURT: Response?

12 MR. GOLDSTEIN: It's not specifically alleged,  
13 is it general allegations as to what the Governor  
14 used in his position. It's not enough. For this  
15 call to come in, then, everything comes in, Your  
16 Honor.

17 THE COURT: I don't think everything comes in  
18 but this one does.

19 (Proceedings resumed within the hearing of the  
20 jury.)

21 THE COURT: You may proceed.

22 MS. HAMILTON: Thank you, Your Honor.

23 we'll now publish call session 679 which is  
24 tab 64 in the binder.

25 (Tape played).

Harris - direct by Hamilton

2854

1 BY MS. HAMILTON:

2 Q Mr. Harris, I want to direct your attention to  
3 call session 679 behind tab 64.

4 Are you there?

:36PM

5 A Yes.

6 Q The date and time of this call is November the  
7 14th, 2008, 8:06 a.m., is that right?

8 A Yes.

:36PM

9 Q Are you still in Springfield at this time as part  
10 of the veto session?

11 A Yes.

12 Q At line 2 Defendant Blagojevich says:

13 "Hey, so Sheila was the only one to vote against  
14 fare increases yesterday, huh?"

:36PM

15 what did you understand him to be asking you?

16 A Whether Sheila Nix, who was recently appointed by  
17 the Governor to serve on the CTA board, the Chicago  
18 Transit Authority Board, whether she was the only  
19 one of the board members who voted against the fare  
20 increase this was before the board that previous  
21 day.

22 Q And at line 5 he says:

23 "why the other ones do it?"

24 And at line 7:

25 "who are they?"

:37PM

1 what did you understand him to be asking you?  
2 A He was asking me about the other gubernatorial  
3 appointments. There are 7 members on the CTA board,  
4 four appointed by the mayor, three appointed by the  
:37PM 5 Governor. The Governor appointed Sheila Nix, Sue  
6 Leonis and Cindy Panayotovich, only Sheila Nix voted  
7 against the fare increase. The Governor was against  
8 the fare increase.

9 Q At line 9 Defendant Blagojevich says:  
:37PM 10 "So yeah, Panayotovich gone in September,  
11 right?"

12 what did you understand him to be asking you?  
13 A He was asking me when her term of office on the  
14 board was to expire. And it would have been, I  
:38PM 15 answered to him, it was sometime in the middle of  
16 the following year, in other words sometime in the  
17 middle of 2009.

18 Q And at line 12 the Defendant Blagojevich says:  
19 "Okay, we totally get rid of her."

20 what did you understand him to be saying?  
21 A That he was not going to be reappointing her to  
22 the board.

23 Q At line 16 he says:  
24 "So we asked her to vote against it?"

25 what did you understand him to be saying?

Harris - direct by Hamilton

2856

1 A whether we asked her to vote against the CTA fare  
2 increase.

3 Q And at line 17 you say:

4 "Yeah, and she told us she would."

5 :38PM what were you saying?

6 A Yes, she was asked and she told us she would vote  
7 against it.

8 Q And at line 19 you said:

9 :38PM "I can't get rid of her? I thought she was  
10 gonna to resign or something."

11 what did you understand him to be saying?

12 A He thought that she would resign if she couldn't  
13 vote against the fare increase, but she voted for it  
14 and did not reassign. And he was asking her if he  
15 could remove her and replace her with someone else,  
16 and I told him no.

17 Q At Page 2, line 8, you say:

18 :39PM "The thing about the U of I appointment . . ."

19 and you go:

20 :39PM "... the risk there is again it's, it raises  
21 the Emil, I want Charles Box, I want all these  
22 other people that are expiring next July.

23 That's why I was staying away from that."

24 what are you saying there?

25 A The Governor had previously instructed me to move

Harris - direct by Hamilton

2857

1 forward on reappointing certain members of the  
2 U of I board, University of Illinois Board of  
3 Trustees. I looked into the matter and explained to  
4 him the risk of making that nomination, those  
5 nominations at this time.

6 Q And what was the risk that you were explaining?

7 A That their appointments were not due to expire  
8 until the following July. There would be an entire  
9 legislative session in the beginning of 2009 and  
10 into the spring of 2009 when this matter or these  
11 nominations would normally come up in the normal  
12 order of business. Asking Senate President Jones to  
13 move forward on the Senate confirmation of these  
14 nominees in November of 2008 would've invited Senate  
15 President Jones to ask us to include and renominate  
16 Charles Box who was currently serving as the  
17 chairman of the Illinois Commerce Commission Board,  
18 his term was not set to expire until the following  
19 July as well. The Governor was not sure whether he  
20 wanted to appoint Charles Box. Emil Jones was a  
21 supporter of Charles Box. Emil Jones would have  
22 likely told me that if the Governor wants to move  
23 forward on the U of I boards, he would want us to  
24 move forward on the ICC board nomination.

25 Q So at line 16 Governor Blagojevich says:

:39PM

:40PM

:40PM

:41PM

:41PM

Harris - direct by Hamilton

2858

1        "I hear you. Could we just do Devon Bruce and  
2        Niranjan and hold Sperling in abeyance?"

3        what did you understand him to be asking?

4 A        whether I thought moving forward on two of the  
5        three U of I nominees made sense.

6 Q        who is Devon Bruce?

7 A        A candidate for the U of I Board that the  
8        Governor was considering. Niranjan Shah was a  
9        current member of the Board and so was Mr. Sperling.

10 Q        And you respond at line 19:

11        "Yeah, we could do that, but again Emil would  
12        say let's do Box."

13        what were you saying there?

14 A        Basically what I had told him previously, that  
15        such a nomination at this time would invite the  
16        question of Charles Box.

17 Q        At the bottom of Page 2, line 35, Defendant  
18        Blagojevich says:

19        "Can you just probe and see if you can get him  
20        in and then ..."

21        on the next page:

22        "... if it's a problem, just pull him back."

23        what did you understand him to be saying?

24 A        The Governor was suggesting to me perhaps Charles  
25        Box would not come up and is there a way to test the

Harris - direct by Hamilton

2859

1 waters, so to speak.

2 Q At line 2 you say:

3 "You'd have to file the, yeah, I could probe  
4 with Emil, but we have to file the names today  
5 to get six days in."

6 what were you saying?

7 A That there wasn't really any time left to probe  
8 because in order for the nominations to be  
9 considered in the last week of the veto session,  
10 which was coming up, that there's a process, a  
11 notice process that involves a period of days for  
12 the Senate to be notified before they'll take up the  
13 nomination. That for all intended purposes, today  
14 or that day was the last day we could submit names  
15 for appointments to the board, to boards or  
16 commissions, for the rest of the year or until the  
17 next legislative session, for all practical  
18 purposes.

19 Q And, again, when was the next legislative  
20 session?

21 A At the end of the veto session sometime in late  
22 November. The General Assembly would usually not  
23 reconvene until early January of the following year.

24 Q At line 25 you say:

25 " I mean, it's not a big hornet's nest, it's a

:42PM

:43PM

:43PM

:43PM

:44PM

Harris - direct by Hamilton

2860

1       little hornet's nest, but again there's no risk  
2       that Sperling, Niranjan and Bruce don't get  
3       reappointed. There's no reason the Senate  
4       would be hostile to them. They're, it's not a  
5       controversial post. It's not, they're not  
6       controversial people."

7       what are you saying there?

8 A I was expressing to the Governor my opinion that  
9 there was really no need to move forward on these  
10 nominations. Even though Senate President Jones was  
11 going to be stepping down, he would not be the  
12 Senate President come January of 2009. That these  
13 nominees were not controversial, we didn't need any  
14 extraordinary assistance from Senate President Jones  
15 to get them confirmed.

16 Q At line 34 Defendant Blagojevich says:

17       " well, there is a risk, what if I'm not here?"  
18       what did you understand him to be saying?

19 A I understood the Governor to mean that he would  
20 no longer be Governor if he appointed himself to the  
21 Senate, so in January of 2009 these candidates would  
22 not be necessarily nominated by the next Governor.

23 Q At line 3 you say:

24       "That's a risk --"

25       I'm sorry, on Page 4, line 3 you say:

:44PM

:44PM

:45PM

:45PM

Harris - direct by Hamilton

2861

1       "That's a risk."

2       And then line 5:

3       "Well, then it's worth the risk. I mean, if  
4       that's the calculation, then it's worth the  
5       try."

6       what are you saying?

7 A       I'm saying that if the Governor really wants them  
8 to be on the board for another term of years because  
9 the Governor was contemplating appointing himself to  
10 the Senate, then he would have to act now because it  
11 would be his last opportunity.

12 Q       At the bottom of Page 4, line 31 Defendant  
13 Blagojevich says:

14       "why don't you probe a little bit. I mean . . ."

15       On to Page 5:

16       "Here, look, if I end up doing the other thing,  
17 I want those guys at the U of I, wouldn't I?"

18       what did you understand him to be saying?

19 A       That if he ended up appointing himself, he would  
20 want them to be his nominee to be on the U of I  
21 board for a period of years thereafter.

22 Q       And at line 4 you say:

23       "Correct. For life after, correct."

24       what are you saying there?

25 A       I was referring back to previous discussions with

:45PM

:46PM

:46PM

:46PM

:46PM

Harris - direct by Hamilton

2862

1 the Governor about his interest in serving in some  
2 sort of adjunct professor or other capacity with the  
3 University of Illinois system. He thought that his  
4 chances would be greatly enhanced if he had friends  
5 and allies on the board.

6 Q So when you say "for life after," for life after  
7 what?

8 A Life after Governor.

9 Q Mr. Harris, I want to change topics again.

10 You've testified about a few calls regarding  
11 the Chicago Tribune, is that right?

12 A Yes.

13 Q Throughout this period in November of 2008, did  
14 Defendant Blagojevich continue to ask you for  
15 updates on what was happening with respect to the  
16 Chicago Tribune editorial board?

17 A From time to time.

18 MS. HAMILTON: Your Honor, at this time I'd  
19 permission to publish call session 894, at tab 71,  
20 in Binder 2.

21 THE COURT: Yes, you may do that.

22 MS. HAMILTON: Thank you.

23 (Tape played)

24 BY MS. HAMILTON:

25 Q Directing your attention to Page 1 of the

:46PM

:47PM

:47PM

:47PM

:51PM

Harris - direct by Hamilton

2863

1 transcript behind tab 71.

2 The date and time of this call is

3 November 21st, 2008, at 7:53 a.m., is that right?

4 A Yes.

:51PM

5 Q At line 5 Defendant Blagojevich says:

6 "How's your son doing?"

7 what did you understand that to be a question  
8 about?

:51PM

9 A A slight concussion my son received the day  
10 before that caused me to leave the veto session a  
11 day early.

12 Q At the bottom of line 23 Defendant Blagojevich  
13 says:

14 "Good. So did you tell ...."

:51PM

15 and over on to Page 2:

16 "... Greenlee that, ah, McCormick is going to  
17 get bounced at the Tribune?"

18 what did you understand him to be asking you?

:51PM

19 A whether I told Bob Greenlee that Mr. McCormick  
20 was going to be fired from the Tribune editorial  
21 board.

22 Q At line 3 you say:

23 "No, I told him that McCormick's in a bad mood,  
24 he says I'm going to check with Nils maybe to  
25 see whether or not it's part of that message on

:52PM

Harris - direct by Hamilton

2864

1 the cuts on the ed board and maybe MC-, I, I  
2 had singled out McCormick as somebody who is,  
3 ah, the most biased and unfair."  
4 what were you saying there?

:52PM

5 A I had been visited by Greenlee earlier in the day  
6 that morning who told me about a bad conversation he  
7 had, a phone conversation he had with Mr. McCormick  
8 of the Tribune, and that Mr. McCormick was very rude  
9 to him and I suggested to Mr. Greenlee that perhaps  
10 Mr. McCormick is in a bad mood because he heard  
11 about cuts coming at the Tribune.

:52PM

12 Q At line 10 Defendant Blagojevich says:  
13 "You, to Nils you did?"

14 what did you understand him to be asking you?

:52PM

15 A whether I had singled out McCormick as someone to  
16 be fired.

17 Q And on line 11 you said:  
18 "Nils."

19 And at line 12 Defendant Blagojevich says:  
20 "Yeah, that'd be great."

21 what did you understand him to be saying?

:53PM

22 A I told the Governor yes, I did single out  
23 McCormick as somebody who should be fired and  
24 somebody that was the most biased and unfair, and  
25 the Governor said yeah, that's great.

:53PM

Harris - direct by Hamilton

2865

1 Q Had you in fact singled out McCormick to Nils  
2 Larson?

3 A I had singled out McCormick as somebody who I  
4 believed was biased and unfair.

:53PM

5 Q Did you single him out as someone who should be  
6 fired?

7 A No.

8 Q And at line 15 you say:

9 " Yeah, it just sounded like he was a real ass  
10 yesterday."

:53PM

11 what were you saying there?

12 A I was telling the Governor that I understood from  
13 Bob Greenlee that Mr. McCormick was quite rude to  
14 him.

:53PM

15 Q At line 17 Defendant Blagojevich says:

16 "Nils is on top of this, right?"

17 what did you understand him to be asking you?

:54PM

18 A Asking me whether Nils Larson is in fact on top  
19 of the issue of firing the editorial board and  
20 getting support for the Governor, the issue that I  
21 had been previously asked to discuss with Nils and  
22 the message.

23 Q when you say "the message," what do you mean?

24 A The previous message that the Governor urged me  
25 to deliver to the Tribune people about firing the

:54PM

1 editorial board or the state would not move forward  
2 with its support of the Wrigley transaction.

3 Q At line 18 you said:

4 " Well, like I said they, that, they, that's all  
5 he said was they're looking to make some  
6 changes, they're going to be downsizing that  
7 division, they're changing personnel, and, ah,  
8 he understands and Sam understands."

9 What were you saying there?

10 A I was attempting to tell the Governor that Nils  
11 Larson was on top of this situation, but trying to  
12 manage his expectations that they may not be  
13 immediate changes, there may not be immediate  
14 changes.

15 Q At line 24 Defendant Blagojevich says:

16 "Your point was, this guy's advocating I get  
17 impeached 'cause I do things around the  
18 legislature, you made that point to him, right?  
19 And that's precisely what we're doing on  
20 Wrigley Field. We're not in a position where  
21 we can do, afford to do that if this guy's  
22 gonna be pushing, the Tribune's pushing ..."  
23 over on page 3:

24 "... impeachment. Madigan will play on it.

25 They got that, right?"

:54PM

:54PM

:55PM

:55PM

:55PM

Harris - direct by Hamilton

2867

1       what did you understand him to be saying to  
2       you?

3 A I understood the Governor to be asking me whether  
4 or not I fully explained the Governor's motivation  
5 to fire the Tribune editorial board.

6 Q And you say throughout this "yes" and "right."  
7 Had you, in fact, from your perspective, relayed the  
8 Governor's intent in that regard or the motivations,  
9 I believe you said?

10 A Well, I relayed the Governor's dissatisfaction  
11 with the editorial page but not the threat or  
12 do-it-or-else message.

13 Q And at line 3 you say:

14       "Right, that they are symbiotic relationship  
15       between Madigan and that board right now.  
16       They're feeding off each other."  
17       what are you saying there?

18 A I was referring back to the impeachment  
19 discussion that would sometimes occur in symbiotic  
20 fashion between Madigan's public statements and the  
21 Tribune's editorials.

22 Q And at line 9 you say:

23       "And, you know, could jeopardize our efforts to  
24       do good things people as well as the other  
25       thing."

:55PM

:56PM

:56PM

:56PM

:56PM

Harris - direct by Hamilton

2868

1           what were you saying there?

2 A The impeachment could jeopardize efforts for the  
3 Governor to move his agenda forward, and the other  
4 thing being the IFA support for the wrigley  
5 transaction.

6 Q At line 12 Defendant Blagojevich says?

7           "There you go. He got the message."

8           what did you understand him to be saying?

9 A I understood him to be telling me that he  
10 believed that they understand his wishes and the  
11 problem that they're editorial page creates.

12 Q when you say they understand his wishes and the  
13 problems the editorial board creates, what do you  
14 mean?

15 A That he wants changes at the editorial board or  
16 that he will not move forward with the IFA support  
17 of the wrigley transaction.

18 Q At line 15 you say:

19           "Now, again, you know, he didn't come out and  
20 say."

21           what were you saying there?

22 A I was about to say he didn't come out and say  
23 what specific changes were going to be happening and  
24 how soon.

25 Q And at line 19 Defendant Blagojevich says:

Harris - direct by Hamilton

2869

1       " But he led you to think they're gonna be some  
2       changes there."

3       what did you think he was saying?

4 A He was asking whether I believed I received the  
5 necessary assurances that there are going to be  
6 changes in the editorial board.

7 Q In late 2008 did Defendant Blagojevich raise with  
8 you the possibility of trying to get millions of  
9 dollars in state money to the Chicago Cubs?

10 A Yes.

11 Q Was that in relation to the Chicago Tribune  
12 editorial message or was that different?

13 A This was an entirely different transaction and  
14 state assistance to the Cubs organization, not  
15 necessarily the Tribune organization.

16           MS. HAMILTON: Your Honor, at this time I'd  
17 ask permission to play call session 1255 which is at  
18 tab 81 in Binder 2.

19           THE COURT: Yes.

20           (Tape played)

21 BY MS. HAMILTON:

22 Q Mr. Harris, I direct your attention to Page 1 of  
23 the transcript behind tab 81.

24           The date and time of this call is December  
25 the 3rd, 2008, at 9:26 a.m., is that right?

:58PM

:58PM

:58PM

:59PM

:00PM

Harris - direct by Hamilton

2870

1 A Yes.

2 Q At line 3 Defendant Blagojevich says:

3 "Okay, I talked to Ganis. I got some ideas on,  
4 you know, the Cubs stuff, right."

5 what did you understand him to be referring to?

6 A I understood him to be referring to a  
7 conversation with Marc Ganis, who was a sports  
8 facility consultant who worked for Sam Zell and the  
9 Cubs organization.

10 Q And at line 7 he says:

11 " So like \$15 million that the Sox got, did they  
12 get \$15 million from Sports Authority?"

13 what did you understand him to be saying there?

14 A I understood him to be referencing an amount of  
15 money that the Sports Facility Authority spent at  
16 the Sox Park for improvements, I later determined  
17 what they were for, pursuant to their  
18 responsibilities as landlord of the Sports Facility  
19 Sox Park.

20 Q And, again, what was the Sports Facility  
21 Authority?

22 A Again, the Sports Facility Authority was a  
23 state-entity created to own and operate sports  
24 facilities, specifically Sox Park, they also  
25 facilitated the financing of improvements at Sox

:00PM

:01PM

:01PM

:01PM

:02PM

1 Park as obligation to the lease they had to their  
2 tenant, the Chicago White Sox.

3 They also financed improvements at Soldier  
4 Field, in part, with matching funds or sharing in  
5 the cost were the Chicago Bears. So the Sports  
6 Authority owns the stadium and makes improvements  
7 and repairs as necessary.

8 Q At line 10 you say:

9 "Ah, not to my knowledge."

10 At that point did you know anything about the  
11 Sports Facility Authority using \$15 million for the  
12 Sox?

13 A Not that specific amount, no.

14 Q And at line 11 Defendant Blagojevich says:

15 "Yeah, apparently they did. Can you look into  
16 that?"

17 what was your understanding of what he was  
18 saying?

19 A I understood him to want me -- he wanted me to  
20 confirm that that amount of money had been recently  
21 expended.

22 Q Line 14 Defendant Blagojevich says:

23 "See what that was. But his thinking was, you  
24 know, like you were saying, some sort of green  
25 initiative and you can kind of promote it."

Harris - direct by Hamilton

2872

1           what did you understand him to be saying?

2 A well, the Governor previously discussed with me  
3 his desire to give the Cubs organization a grant and  
4 had asked me what available funds there were.

:03PM           After some limited research I told him that  
5 there were certain technology funds and  
6 environmental uses funds that were available for the  
7 Governor to spend or grant on initiatives he  
8 supported, a limited amounts of money and he told me  
9 he wanted to possibly give a grant to the Cubs  
10 organization.

11           And I told him again that the only monies  
12 that I thought might be available were the area of  
13 technology initiatives or environmental initiatives.

:04PM           Q Had you told him that you wanted to check with  
15 anybody before you were certain about the use of  
16 that money for something like the Cubs organization?

17           A Yes. And what types of uses.

18           Q what do you mean by that?

19           A Again, limited to technology grants or  
20 environmental initiative grants.

21           Q And on the next page, Page 2, Defendant  
22 Blagojevich says:

23                "who do we talk to about developing a concept  
24                or idea in our operation?"

:04PM

Harris - direct by Hamilton

2873

1       what did you understand him to be asking you?  
2 A who in our office or who on our staff will help  
3 come up with a green initiative or an environmental  
4 initiative for use of these funds with the Cubs  
5 organization.

:05PM

6 Q And at line 3 you say:

7       "Ah, I talked to, if we, if we, I mean if we're  
8       limited to green, not limited but I'm saying if  
9       we're trying to further those out as green  
10      initiative, I'd talk to Frankel."

:05PM

11      what were you saying there?

12 A I identified the staff person I thought would be  
13 knowledgeable in these areas. Steve Frankel was our  
14 environmental policy expert.

:05PM

15 Q At line 8 Defendant Blagojevich says:

16       " Science and technology, you know, green,  
17       electricity utilities, reducing utilities cost  
18       at the ballpark, that kind of thing, right?"

19      what did you understand him to be saying?

:05PM

20 A These are terms and categories that I had  
21 previously mentioned to him as types of technology  
22 or initiatives or environmental initiatives.

23 Q At this point were you still checking with people  
24 within the office of the Governor about the  
25 possibility of doing this?

:06PM

Harris - direct by Hamilton

2874

1 A Yes.

2 Q And, in part, were you specifically checking with  
3 lawyers about whether this could be done?

4 A Yes.

:06PM

5 Q And did you tell defendant Blagojevich that you  
6 wanted to check with the lawyers about whether this  
7 can be done before anything moved forward?

8 A Yes.

:06PM

9 MS. HAMILTON: Your Honor, I now ask  
10 permission to play the session listed as 111 which  
11 is behind tab 82.

12 Again, before that, Mr. Harris, the last call  
13 we listened to was at 9:26 a.m. on December the 3rd,  
14 right?

:06PM

15 THE WITNESS: Yes.

16 BY MS. HAMILTON:

17 Q And this call was at 9:57 a.m. on December  
18 the 3rd, is that right?

19 A Yes.

:06PM

20 MS. HAMILTON: Your Honor, I now ask  
21 permission to publish that call.

22 THE COURT: You may do so.

23 (Tape played.)

24 BY MS. HAMILTON:

:09PM

25 Q Mr. Harris, directing your attention to Page 1 of

Harris - direct by Hamilton

2875

1 the transcript behind 82, at line 5 Defendant  
2 Blagojevich says:

3 "I talked to both Ganis and Crane Kenny."

4 what did you understand him to be saying?

5 A That he spoke to Marc Ganis, the Cubs sports  
6 facility consultant, and Crane Kenny, the Cubs chief  
7 executive officer, as well general counsel of the  
8 Chicago Tribune.

9 Q Did you have an understanding as to what he had  
10 talked to them about?

11 A About giving them a grant for the Cubs  
12 organization.

13 Q And you say, "okay, so" and laughed, what were  
14 you saying there?

15 A Well, I was surprised that he had made that phone  
16 call so quickly having not completed our research on  
17 the subject and that he had offered the grant to  
18 them.

19 Q At line 7 Defendant Blagojevich says:

20 "You know, 10 to 15 million I said, but I need,  
21 I need a nexus to science and technology and,  
22 ah, you know, a greening thing, you know."

23 what did you understand him to be saying there?

24 A That he had told them that the grant needed to  
25 fit within certain science and technology uses or

Harris - direct by Hamilton

2876

1 greening initiative uses.

2 Q And at line 12 you said:

3 "So he, Crane Kenney like it. They've got some,  
4 whole bunch of ideas on what they wanna do with  
5 an old ballpark like that, like some of the  
6 wireless comm-, you know, wire it up for the  
7 modern age, some ren-, green, green stuff. He  
8 thinks it's a great idea. So they're gonna  
9 work some stuff up."

:10PM 10 what did you understand him to be saying there?

11 A That the Cubs organization was enthusiastic about  
12 the possibility of getting the grant.

13 Q At line 21 you say:

14 "Can I ask why you are fixated on that level of  
15 money?"

16 what are you asking?

17 A why 10 or 15 million dollars.

18 Q At that point did you have any idea where that  
19 number came from?

:11PM 20 A Based on his belief that the Sports Facility  
21 Authority had recently expended that much at Sox  
22 Park.

23 Q So when he says at line 23:

24 "'cause that's what the white Sox got."

25 Did that confirm your understanding?

Harris - direct by Hamilton

2877

1 A Yes.

2 Q Page the --

3 A He would've received that information from Marc  
4 Ganis. Marc Ganis was the one who probably told him  
5 that, being the Sports Facility consultant and  
6 familiar with developments at Sox Park.

7 Q In other words, are you saying, Mr. Harris, that  
8 that would not have been information that you had  
9 given him?

10 A I had not yet confirmed it.

11 Q At line 1 Defendant Blagojevich says:

12 "You know what I'm saying? I said 10 to 15,  
13 Ganis says, you know, 1.5 million is nothing."  
14 What did you understand him to be saying?

15 A That there was a previous number discussed with  
16 Ganis and 1.5 million wouldn't be sufficient. When  
17 the Governor originally spoke of the desire to give  
18 a grant, we had discussed the number of a million to  
19 a million and a half for various park improvements  
20 and sports facility improvements.

21 Q When you say "we," you mean you and the Governor  
22 discussed giving a grant somewhere in the  
23 neighborhood of 1 to 1 1/2 million dollars?

24 A Yes; pending research.

25 Q On line 8 Defendant Blagojevich says:

Harris - direct by Hamilton

2878

1 "what do you think?"

2 what did you understand him to be asking you?

3 A For my opinion.

4 Q Line 9 you say:

5 "Well, my opinion is, you give them nothing. I  
6 mean, they're for-profit entities, they don't  
7 need the subsidy."

8 what were you saying?

9 A I didn't believe it was good policy to give them  
10 the grant.

11 Q Line 12 Defendant Blagojevich says:

12 "Yeah, I know. All right."

13 what did you understand him to be saying?

14 A He didn't agree with my opinion.

15 Q Line 13 you laugh and say:

16 "But, ah, that's, I was just wondering why, how  
17 you arrived at that number."

18 what are you saying there?

19 A That I thought the number was high.

20 Q And at line 16 Defendant Blagojevich says:

21 The number is because the white Sox got that."

22 And at line 18 you say:

23 "Right. Different animal, though."

24 what were you saying there?

25 A Sox Park is a different -- it's structured

Harris - direct by Hamilton

2879

1 differently. The state is the landlord, the white  
2 Sox pay rent. In exchange for rent, the landlord  
3 has to maintain and improve the facility. Now,  
4 there are certain rent calculations out there that  
5 only trigger rent after a certain amount of tenancy  
6 each year, but that's another story. But they are a  
7 tenant and the state is the landlord.

8 Q So how is what Defendant Blagojevich is proposing  
9 a different animal?

10 A Well, giving 10 or 15 million dollars to the Cubs  
11 would be giving the money to a private entity.  
12 There is no apparent state benefit unless we come up  
13 with a project that we can demonstrate a public  
14 benefit resulting from the investment of state  
15 dollars.

16 Q At line 19 Defendant Blagojevich says:  
17 "Well, I understand. Well, we got to justify.  
18 So in a way, Mr. Harris, that, you know, is a  
19 plus, you know what I'm saying?"

20 what did you understand him to be saying?

21 A That I would need to come up with some sort of  
22 public justification for the investment.

23 Q At line 24 Defendant Blagojevich says:  
24 "I think they got to do like a public private  
25 thing."

Harris - direct by Hamilton

2880

1       what did you understand him to be saying?

2 A That he understood my concern and recognized that  
3 there needed to be some public dimension to this.

4 Q At like 26 you say:

5       "Yeah, I, and I think it helps that if they  
6       match it and, too, it's cutting edge, so at  
7       least we're trying the set a trend here."  
8       what are you saying?

9 A I thought as a policy matter and a political  
10 matter, it would be more accepted if the Cubs  
11 organization matched the grant of public monies and  
12 that the investment or in a cutting edge technology  
13 or cutting edge environmental initiative, that we  
14 can demonstrate its success and thus create a new  
15 trend in that particular field.

16 Q And at line 30 Defendant Blagojevich says:

17       "Well, that's it, that's what they gotta do, and  
18       they gotta match it, don't they?"

19       what did you understand him to be saying?

20 A I understood him to be agreeing with my  
21 suggestion of matching dollars.

22 Q And at the top of Page 3, at line 1 you say:

23       "I think they should match it, and, you know, if  
24       they, if, if the whole, you know, it's gotta be  
25       a showcase level initiative."

:15PM

:15PM

:16PM

:16PM

:16PM

Harris - direct by Hamilton

2881

1       what are you saying there?

2 A I'm telling him then that I believe the  
3 investment ought to be for a showcase level, meaning  
4 a very exciting project in order to justify the use  
5 of public dollars.

:16PM

6 Q At line 18 Defendant Blagojevich says:

7       "Okay, good. And you working on Jim Hendry,  
8       right?"

9       what did you understand him to be saying?

:17PM

10 A The Governor had previously asked me to work on  
11 the Illinois Department of Transportation naming a  
12 street or state throughway as an honorary street in  
13 honor of Cubs manager Jim Hendry.

:17PM

14 Q Was that something you were working on at  
15 Defendant Blagojevich's directive?

16 A Yes.

17           MS. HAMILTON: Your Honor, I now ask  
18 permission to publish call session 1471, which is at  
19 tab 99 in the binders.

:18PM

20           THE COURT: You may proceed.

21           (Tape played)

22 BY MS. HAMILTON:

23 Q Mr. Harris, directing your attention to Page 1 of  
24 this transcript.

:23PM

25           This calls takes place on December the 5th,

Harris - direct by Hamilton

2882

1 2008, at 11:29 a.m., is that right?

2 A Yes.

3 Q At line 4 you say:

4 "Just trying to get the short-term borrowing  
5 done."

6 what are you saying there?

7 A The Governor asked me how's it going or, in other  
8 words, what are you working on, and I told him I was  
9 working on the short-term borrowing, that's  
10 addressing the State's cash flow problem.

11 So we had to internally work on a short-term  
12 borrowing plan, issuing bond anticipation notes, and  
13 working with the State Treasurer, the State Attorney  
14 General, the State Comptroller, and we needed their  
15 cooperation in that effort, among other things, to  
16 work out how much was going to be borrowed, what the  
17 priority bills were that were going to be paid with  
18 these monies, and other such detail.

19 Q And in response at line 6 Defendant Blagojevich  
20 says:

21 "Okay. So on the other stuff you've been  
22 working on, you want to give me some updates on  
23 some of that?"

24 what did you understand him to be saying to  
25 you?

:23PM

:23PM

:23PM

:24PM

:24PM

Harris - direct by Hamilton

2883

1 A I understood him to be asking me about the street  
2 sign for Jim Hendry and the science and technology  
3 grant to the Cubs organization.

4 Q So at line 9 you say:

5 "Signs will be next week."

6 what were you saying there?

7 A The Jim Hendry signs would be up next week on the  
8 section of State throughway that we had identified  
9 to honor Jim Hendry.

10 Q At line 10 Defendant Blagojevich says:

11 "Okay. The science and technology, anything,  
12 anything developing there?"

13 what did you understand him to be asking you?

14 A whether any progress had been made on defining  
15 that grant and preparing that grant for the Cubs.

16 Q At line 13 you say:

17 "No, I have not heard anything back."

18 what were you saying there?

19 A I was telling the Governor I was waiting to hear  
20 back from Crane Kenney or Marc Ganis about some of  
21 their ideas.

22 Q On line 14 Defendant Blagojevich says:

23 "Okay, what else we got?"

24 And on line 16 you say:

25 "Haven't heard back from Rahm."

:24PM

:24PM

:25PM

:25PM

:25PM

1           what were you saying there?

2 A The Governor had previously asked me to reach out  
3 to Rahm Emanuel to confirm with Rahm Emanuel that  
4 the Obama people were still okay with Jesse Jackson,  
5 Jr., as a possible selection for the Senate Seat.

6 Q Moving forward to Page 2, at line 3, Defendant  
7 Blagojevich says:

8           "Yeah, what else? That's it?"

9           And you say just the short-term borrowing I'm  
10 trying to . . ."

11           Was that again a reference to what you  
12 already described at the beginning of the  
13 transcript.

14 A Yes.

15 Q At line 7 Defendant Blagojevich says:

16           "You believe, ah, Wyma's lawyer?"

17           What did you understand him to be asking you?

18 A He was asking me whether I believed what John  
19 Wyma's lawyer had reportedly told to Mr. Bill  
20 Quinlan related to a news story appearing in that  
21 day's Chicago Tribune related to information that  
22 the newspaper had that Mr. Wyma has been wearing an  
23 undercover recording device in cooperation with  
24 federal authorities in their investigation into the  
25 Blagojevich administration.

Harris - direct by Hamilton

2885

1 Q And so what was your understanding had been  
2 relayed by Mr. Wyma's lawyer?

3 A That that was not true.

4 Q So at line 9 when you say:

5 "No reason not to."

6 what were you saying?

7 A I had no reason not to believe what Wyma's lawyer  
8 told Mr. Quinlan.

9 Q At the bottom of page 2 and it goes on to Page 3  
10 Defendant Blagojevich says:

11 "I think he oughta get out there and f'ing say I  
12 did not tape anybody. For his business  
13 reasons."

14 what did you understand him to be saying?

15 A I understood the Governor to be telling me his  
16 opinion that if, in fact, it was not true, John Wyma  
17 might want to make a public statement that it was  
18 not true. Given John Wyma's line of work as a  
19 lobbyist, that information about him wearing an  
20 undercover recording device would have a chilling  
21 effect on his business.

22 Q At line 17 you say:

23 "Carrigan called on behalf of UAW again trying  
24 to get us to accelerate our pick. I says  
25 'we're mindful of what's going on with the auto

:27PM

:27PM

:27PM

:28PM

:28PM

Harris - direct by Hamilton

2886

1       industry. If we, if the governor makes a  
2 decision, we will certainly not hold back on  
3 announcing it, but, ah, this isn't gonna drive  
4 the decision.'"

:28PM

5       what were you saying there?

:28PM

6 A   We've been working with Mr. Michael Carrigan and  
7 he is the President of the Illinois American  
8 Federation of Labor, the AFL-CIO, on behalf of the  
9 United Auto Workers who were supporting legislation  
10 pending in Washington for a bailout of the auto  
11 industry during a crisis they were facing.

:29PM

12       That they expected the vote in the Senate to  
13 be close and that Illinois was short one senator,  
14 this being at a time when President-Elect Obama had  
15 already stepped down, urging us to make our  
16 selection quickly, to have another reliable  
17 Democratic vote they believed would supportive UAW's  
18 efforts in the auto bailout package.

:29PM

19 Q   Based upon the conversations that you had with  
20 Defendant Blagojevich during this period of time  
21 regarding the timing of his decision of who would  
22 fill the Senate Seat on behalf of Illinois, what  
23 understand, if any, did you have that the auto  
24 bailout legislation that was pending had to do with  
25 his timing in making the decision?

:30PM

Harris - direct by Hamilton

2887

1 A It was not a factor in his timing.

2 Q At the bottom, after you say that on line 24  
3 there's a pause, and then Defendant Blagojevich  
4 says:

:30PM 5 "What's your prediction? Does Wyma say it's not  
6 true?"

7 what is your understanding of what he was  
8 saying there?

9 A whether or not I believed John Wyma would make a  
10 public statement denying the accuracy of the Tribune  
11 story.

12 Q At line 32 you say:

13 "Again, I, I, I, just in the conversations I've  
14 had with him if he was trying to get  
15 something . . ."

16 and over on Page 4, line 2:

17 "... on tape to, to, so his neck slips the  
18 loose noose? He'd a been a little more  
19 aggressive."

20 what were you saying there?

21 A I had no reason to believe John Wyma was wearing  
22 an undercover recording device in any of the  
23 conversations I ever had with him.

24 Q And why is that?

25 A I never felt that way and I never felt

Harris - direct by Hamilton

2888

1 uncomfortable in my conversations with him that he  
2 was trying to suggest something that would benefit  
3 him in any jeopardy he was facing with the federal  
4 authorities.

:31PM

5 Q At line 14 Defendant Blagojevich says:

6 " what's the deal? So McCormick stays at the  
7 Tribune, huh?"

8 what did you understand him to be asking you?

:31PM

9 A There had been recently news, as I had expected,  
10 of layoffs announced at the Chicago Tribune. The  
11 Governor understood that McCormick was not among  
12 those laid off and he was upset.

:32PM

13 Q And at line 16 you say:

14 "Oh, well, we haven't heard that he's gone, so  
15 ...."

16 what were you saying there?

17 A I told him I had not heard that McCormick was  
18 laid off.

:32PM

19 Q At line 18 he says:

20 "I mean, those layoffs were minor."

21 what did you understand that he was referring  
22 to?

23 A That he thought the number of layoffs were small.

24 Q And you said:

25 "Well, I know they got a lot to do."

1       what were you saying?

2 A I was trying to buy more time telling him that  
3 more layoffs are coming.

4 Q And he asks at line 20:

5       "There's still more coming?"

6       And you say:

7       "Yeah, they got a lot of cuts to make."

8       what are you saying there?

9 A More layoffs were coming.

10 :32PM Q At line 22 Defendant Blagojevich says:

11       "Okay, at some point we should talk to Nils  
12 again, right?"

13       what did you understand him to be saying?

14 A He wanted me to check back with Nils Larson on  
15 our earlier discussion.

16 :32PM Q On Page 5, line 20, Defendant Blagojevich says:  
17       "Let me know about the Cubs, and, ah, ah, Jim  
18 Hendry."

19       what did you understand him to be saying?

20 A Keep him updated on my progress on the Cubs grant  
21 and the Jim Hendry street signs.

22 Q All right. Mr. Harris, I want to change gears  
23 again.

24       I want to direct your attention to  
25 :33PM legislation that was pending involving gaming and

Harris - direct by Hamilton

2890

1 the horse track, are you familiar, generally, with  
2 that legislation?

3 A Yes.

4 Q Specifically, I want to focus on the legislation  
5 that was pending in November of 2008.

6 what role, if any, did you have in that  
7 legislation?

8 A A limited role on the question of policy early on  
9 whether the Governor's office supported it, and then  
10 later on checking on the status of final action by  
11 the Governor.

12 Q In terms of policy and whether the Governor's  
13 office supported it, what was the office of the  
14 Governor's position on that?

15 A It was supportive of the legislation.

16 Q Have you had conversations with Defendant  
17 Blagojevich about that?

18 A I was present at meetings when we discussed bills  
19 from time to time that would be pending in the  
20 spring session of 2008 and our position on those  
21 bills.

22 This was one bill that was being carried by  
23 allies of the Governor and other supporters, but we  
24 were generally in support of the legislation that  
25 would extend the subsidy from casinos revenues to

:33PM

:34PM

:34PM

:34PM

:35PM

1 the horse track in Illinois.

2 Q Focusing your attention on mid to late November  
3 of 2008, what was the status of the legislation at  
4 that time?

:35PM

5 A The legislation had passed both Houses of the  
6 General Assembly and was pending the Governor's  
7 signature to make it law.

8 Q At some point were you contacted -- or did anyone  
9 contact you about whether and when Defendant  
10 Blagojevich was going to sign the legislation that  
11 had passed the House and the Senate?

:35PM

12 A Yes, I received -- I was contacted by several  
13 people regarding the Governor's action on the bill  
14 and the timing of it.

:36PM

15 Q Who contacted you?

16 A The representative Jay Hoffman; Lon Monk, the  
17 Governor's former Chief of Staff; and  
18 Mr. Christopher Kelly.

19 Q All right. Focusing on Lon Monk.

:36PM

20 When did Mr. Monk contact you about the  
21 legislation?

22 A I believe it was sometime in November before --  
23 before the Thanksgiving weekend.

:36PM

24 Q And what is it that Mr. Monk said to you with  
25 respect to the legislation?

1 A He asked me whether there was any reason for a  
2 delay on the Governor's action on the legislation  
3 and whether it would be possible to get the Governor  
4 to sign it sooner rather than later.

:37PM

5 And I told him I was not aware of any reason  
6 for delay and that we couldn't get it done quickly.

7 Q With respect to Mr. Kelly, when did Mr. Kelly  
8 contact you in relation to Mr. Monk, if you  
9 remember?

:37PM

10 A I don't remember whether it was that same day or  
11 within a day or two.

12 Q And what did Mr. Kelly ask you with respect to  
13 the legislation?

:37PM

14 A Similarly, he asked me to urge the Governor to  
15 get it done sooner rather than later.

16 Q Now, with respect to Mr. Monk, did you have any  
17 understanding as to why Mr. Monk was calling about  
18 the status of this legislation?

:37PM

19 A I understood Mr. Monk had among his clients  
20 several horse racing, horse track industry people,  
21 one specifically, maybe more.

22 Q And with respect to Mr. Kelly, did you have any  
23 understanding why Mr. Kelly was contacting you about  
24 the status of the legislation?

:38PM

25 A He had a friend that was a horse track owner or

Harris - direct by Hamilton

2893

1 investor.

2 Q what, if anything, did you do after you received  
3 these calls in relation to the status of the  
4 legislation?

:38PM

5 A I double-checked with legal affairs, legislative  
6 affairs, and the policy office to see whether or not  
7 there was any issues causing us to delay action on  
8 the bill or cause us not to act favorably on the  
9 bill.

:38PM

10 MS. HAMILTON: Your Honor, may I approach?

11 THE COURT: You may.

12 MS. HAMILTON: I'm going to show the witness  
13 what is Government Exhibit 11/26/08 e-mails.

14 BY MS. HAMILTON:

:39PM

15 Q Mr. Harris, do you recognize this?

16 A Yes.

17 Q And, generally speaking, what is this?

18 A It's an e-mail chain on the subject of the horse  
19 track bill.

:39PM

20 Q Does this fairly and accurately reflect the  
21 e-mail chain that you started after the phone calls  
22 asking about the status of the legislation?

23 A Yes.

24 MS. HAMILTON: Your Honor, I move for the  
25 admission of Government Exhibit 11/26/08 e-mails.

:39PM

Harris - direct by Hamilton

2894

1                   THE COURT: Admitted without objection.  
2 (Government's Exhibit 11/26/08 e-mails was  
3 received in evidence.)

4                   MS. HAMILTON: And may I publish?

:39PM

5                   THE COURT: You may.

6                   (Exhibit published to the jury).

7 BY MS. HAMILTON:

8 Q Mr. Harris, we're going to start at the bottom of  
9 the e-mail chain.

:40PM

10                  Is this the e-mail that you sent in response  
11 to the calls that you got on the status of the  
12 legislation?

13 A Yes.

14 Q When did you send this e-mail?

:40PM

15 A Soon after the call from Mr. Monk, I believe.

16 Q And it says Wednesday November 26th at 9:01, is  
17 that correct?

18 A Yes.

:40PM

19 Q You indicate you believe that Mr. Monk contacted  
20 you before the Thanksgiving weekend, is that right?

21 A Yes.

22 Q And this is from you. And who did you send these  
23 e-mails to?

24 A Matt Summy, Bob Greenlee, and Bill Quinlan.

:40PM

25 Q And why did you send the e-mails to those three

1 people?

2 A Those would be the three people who had review  
3 responsibility on legislation pending the Governor's  
4 action. Each of their offices would be involved in  
5 reviewing all legislation pending the Governor's  
6 approval.

7 Q Who is Matt Summy?

8 A Matt Summy was the principal staff officer for  
9 reviewing bills and preparing bills for the  
10 Governor's action in the legislative affairs policy  
11 division.

12 Q And what was your understanding of Mr. Greenlee's  
13 role with respect to this legislation?

14 A He would have to also concur on the action or  
15 make a recommendation to the Governor on the bill.

16 Mr. Greenlee -- Mr. Summy worked for Mr. Greenlee.

17 Q And what about Mr. Quinlan, why did you include  
18 him on this e-mail?

19 A He's the general counsel and his division would  
20 have reviewed the bill as well.

21 Q Your e-mail that you sent -- what was the e-mail  
22 that you sent, if you could read that?

23 A (Reading:)

24 "Horse racing recapture, any reason we can't  
25 sign today?"

Harris - direct by Hamilton

2896

1 Q And, again, you sent this, you believe, after you  
2 received the call from Mr. Monk?

3 A Yes.

4 Q And was there any -- was there a reason that you  
:42PM 5 were asking if it could be signed that day?

6 A Yes, because the subsidy had expired. The horse  
7 track industry was losing tens of thousands of  
8 dollars a day as long as the subsidy had not been  
9 extended.

10 :42PM we had been in support of the bill, our  
11 friends in the horse track industry were anxiously  
12 awaiting it. I knew the long Thanksgiving weekend  
13 was coming and thought that we ought to follow  
14 through or act as quickly as possible to act on the  
15 bill.

16 Q So moving up to the first response in the chain,  
17 and that's from Mr. Greenlee, is that right?

18 A Yes.

19 Q And it was sent again on Wednesday, November  
:43PM 20 the 26th and this is at 9:03 a.m., is that right?

21 A Yes, a couple of minutes after my e-mail.

22 Q And what was Mr. Greenlee's response?

23 A (Reading:)

24 "Not from my end. Assume RRB okay."

25 :43PM Meaning no problems on his end, assuming the

Harris - direct by Hamilton

2897

1 Governor is okay.

2 Q And then the next response was from Mr. Quinlan,  
3 is that right?

4 A Yes.

:43PM

5 Q And this one was at 9:10 a.m.?

6 A Yes.

7 Q And what was it that Mr. Quinlan said?

8 A (Reading:)

:43PM

9 "Let me check on rules language contained in the  
10 bill before we go ahead."

11 Q What did you understand Mr. Quinlan to be  
12 referring to?

:44PM

13 A There was a number of bills that had language  
14 inserted by the House Speaker Madigan on an  
15 unrelated dispute but he was using several bills to  
16 try to change the Governor's administrative  
17 rule-making powers that he, the Governor, has long  
18 enjoyed and most Governor's had long enjoyed and the  
19 Speaker was trying to limit that power.

:44PM

20 We considered that poison pill language or  
21 problematic language for us and we were mandatorily  
22 vetoing bills that contained the offensive language.

:44PM

23 So Mr. Quinlan is telling me he's going to  
24 double check and make sure the offensive language is  
25 not contained in the bill.

Harris - direct by Hamilton

2898

1 Q All right. And then the next e-mail in the  
2 chain, and this is from you, is that right?

3 A Yes.

4 Q And it looks like you sent back a response almost  
:44PM immediately to the response you got from  
5 Mr. Quinlan?

6 A Yes.

7 Q And you said:

8 "Need answer quickly."

9  
10 why did you immediately respond and said need  
11 answer quickly?

12 A I didn't want his legal division to take days to  
13 figure that out.

14 Q And then the final response in this chain comes  
:45PM from Mr. Quinlan again, is that right?

15 A Yes.

16 Q And this one is on the same day, Wednesday,  
17 November the 26th at 9:43 a.m.?

18 A Yes.

19 Q And what was it that Mr. Quinlan responded?

20 A "Okay to sign."

21 Q what did you understand that to mean?

22 A There was no legal issues in the bill.

23 Q So what you just described in terms of the rules  
24 language that the Speaker was inserting, was it your  
:45PM

Harris - direct by Hamilton

2899

1 understanding that Mr. Quinlan or someone in his  
2 division had reviewed it and that was not contained  
3 in this bill?

4 A Yes.

:45PM

5 Q After you learned that morning, November 26th,  
6 that everyone had signed off on the bill, did you  
7 then have a discussion with Defendant Blagojevich?

8 A Yes.

:46PM

9 MS. HAMILTON: Your Honor, at this time I'd  
10 ask permission to publish call session 1068 which is  
11 at tab 77.

12 THE COURT: Yes, you can do that.

13 (Tape played).

14 BY MS. HAMILTON:

:48PM

15 Q Mr. Harris, directing your attention to tab 77,  
16 this call takes place at November 26th, 2008, at  
17 12:53 p.m., is that right?

18 A Yes.

:48PM

19 Q So this is a few hours after the e-mail chain  
20 that we went through?

21 A Yes.

22 Q At line 17 Defendant Blagojevich says:  
23 " So Lon called and you obviously talked to  
24 him."

25 And you say:

Harris - direct by Hamilton

2900

1       "Yes. Yes."

2       what did you understand him to be saying?

3 A I understood him to be telling me that he just  
4 had a recent conversation with Mr. Monk, Lon Monk,  
5 and that Lon Monk relayed to him that he had talked  
6 to me about the horse track bill.

7 Q And at line 21 you say:

8       "So what about Lon?"

9       what were you asking?

10 A I was asking whether he told Lon anything about  
11 his intention on the bill or whether he wants me to  
12 get back to him.

13 Q At Page 2, line 1, Defendant Blagojevich says:

14       "I told him, ah, I'm not doing anything till,  
15       ah, you know, for a while."

16       what did you understand him to be saying?

17 A That he told Mr. Monk that he wasn't going to act  
18 on the bill yet.

19 Q And at line 4 he says:

20       "But I think he's got nothing to fear, okay."

21       what did you understand him to be saying?

22 A That he's telling me that he's going to  
23 eventually sign it.

24 Q And at line 7 Defendant Blagojevich says:

25       "He's worried about the other, and I said no, I

:48PM

:49PM

:49PM

:49PM

:49PM

Harris - direct by Hamilton

2901

1       said, I'm going to do anything, want to sit on  
2       it till I sort things through on all kinds of  
3       bills, you know, and see how it all fits in."

4           What did you understand Defendant Blagojevich  
5       to be saying?

6 A That he put Lon off and gave him some excuse.

7 Q When you say he gave him some excuse, what do you  
8       mean?

9 A Well, he said he wanted to see how it all fits  
10       in, which I wasn't sure what he meant by that.

11 Q From your perspective, or based upon what you  
12       knew, was there anything that needed to be sorted  
13       through on all kinds of bills with respect to the  
14       horse track legislation that was pending?

15 :50PM       MR. SOROSKY: Objection. He said he didn't  
16       know.

17       THE COURT: Well, maybe he can say it again.

18 BY THE WITNESS:

19 A No, I wasn't aware of anything.

20 :50PM BY MS. HAMILTON:

21 Q And with respect to seeing how it all fits in,  
22       did you have any understanding that there was any  
23       reason that Defendant Blagojevich needed to wait and  
24       see how it all fits in?

25 :51PM A Not to my knowledge.

Harris - direct by Hamilton

2902

1 Q Because of that, was that part of your  
2 understanding as to what Defendant Blagojevich had  
3 told Lon Monk was what you said was an excuse?

4 A Yes.

:51PM

5 Q Now, you testified earlier that you were  
6 contacted by Mr. Monk, Mr. Kelly, and also Jay  
7 Hoffman, is that right?

8 A Yes.

:51PM

9 MS. HAMILTON: Your Honor, I'd ask permission  
10 to play the call behind tab 78 which is designated  
11 session 11.

12 THE COURT: You may.

13 (Tape played).

14 BY MS. HAMILTON:

:52PM

15 Q Mr. Harris, this call at transcript Page 1, tab  
16 78, takes place on December 1, 2008, at 11:55 a.m.,  
17 is that right?

18 A Yes.

:53PM

19 Q Si was this the week following the Thanksgiving  
20 holiday?

21 A I believe this is the Monday following.

22 Q So at this point the legislation still had not  
23 been signed?

24 A Yes.

:53PM

25 Q At line 1 Mr. Hoffman says:

Harris - direct by Hamilton

2903

1           "what's going on? You going to Philadelphia?"  
2           what did you understand him to be asking you?  
3 A Mr. Hoffman was asking me whether I was going to  
4 accompany the Governor to Philadelphia for a meeting  
5 with President-Elect Obama with other Democratic  
6 governors around the country.

7 Q You say:

8           "No, I'm not. That was Quinlan."

9           what were you saying there?

10 A Quinlan was going to attend.

11 Q And you were not?

12 A Yes.

13 Q At line 5 Mr. Hoffman says:

14           "So, ah, the horse racing bill, House bill  
15           4758."

16           what did you understand him to be asking you  
17           about?

18 A The racetrack bill.

19 Q And he says:

20           "I think legal has looked at it and everything."

21           what did you understand him to be saying?

22 A That the bill doesn't have any issues that he's  
23 aware of, including legal issues.

24 Q And was it your understanding that was including  
25 the language that you talked about you believe

Harris - direct by Hamilton

2904

1 Mr. Quinlan looked for?

2 A Yes.

3 Q And at line 10 you say:

4 "Yeah, Rod's got a hold on it."

:54PM

5 what were you saying?

6 A I was just telling Representative Hoffman that  
7 the Governor is aware of it, I talked to him about  
8 it, and telling him that the Governor is not ready  
9 to act on it.

:54PM

10 Q Was that based on the conversation that we just  
11 listened to before this conversation?

12 A Yes.

13 Q At line 11 Mr. Hoffman says:

14 "Okay, okay, they're, I'm getting calls from all  
15 over the place."

16 You say:

17 "Yeah, me too."

18 He says:

19 "They're supposedly losing 82,000 a day."

:54PM

20 what did you understand him to be saying?

21 A That the horse track industry was losing maybe  
22 82,000 a day each day the bill was not law, each day  
23 it wasn't signed.

24 Q And at line 16 he says:

25 "I'll just call 'em and say the governor's

:55PM

Harris - direct by Hamilton

2905

1       reviewing it, right?"

2       what did you understand him to be saying?

3 A He's telling me what he's going to tell the  
4 industry representatives that are calling him.

:55PM

5 Q And at line 18 you say:

6       Yeah, yeah, I, I, he assured me we're going to  
7       sign it, so I don't, I don't know what the f'  
8       the, 'cause I wanted him t do it last Friday."  
9       What are you saying there?

:55PM

10 A I'm relaying to Mr. Hoffman my belief that the  
11 Governor will sign it, I just don't know the reason  
12 for the delay.

13           MS. HAMILTON: Would it be acceptable if we  
14 broke now?

:55PM

15           THE COURT: Oh, I would say so.

16           9:30 Monday morning.

17           THE MARSHAL: All rise.

18           (The following proceedings were had out of the  
19 presence of the jury in open court:)

:56PM

20           THE COURT: You may step down.

21           Counsel, approach the lectern.

22           Anybody else can be seated or leave, it's  
23 your choice.

24           what's going to happen Monday?

:57PM

25           MS. HAMILTON: I believe I will finish with

Harris - direct by Hamilton

2906

1 Mr. Harris' direct sometime Monday morning.

2 THE COURT: So you are warned.

3 who would be your next witness after the  
4 cross is concluded?

:57PM

5 MR. SCHAR: Judge, I think we'll be calling  
6 Tom Balanoff next and my guess is after that would  
7 be Doug Scofield who will have some number of calls  
8 as well, so I assume that would take us through  
9 probably the middle of the week.

:57PM

10 THE COURT: okay. That's fine.

11 Anything you want to tell me?

12 MR. SCHAR: Judge, over objection, the  
13 release of evidence tapes.

14 THE COURT: Standard objection, yes.

:58PM

15 MR. GOLDSTEIN: We did have our motion for  
16 continuance. I assume you read that, that was  
17 filed?

:58PM

18 THE COURT: Yes. We're not continuing it,  
19 but if you want to you can send me a brief position  
20 paper. I don't need a lot of analysis on what  
21 difference you think it would make to these charges,  
22 and I would pay particular attention to Page 37 and  
23 Page 45 of the majority opinion as it appears in the  
24 official slip sheet to the Supreme Court.

:58PM

25 And I think that's it.

Harris - direct by Hamilton

2907

1 MR. SCHAR: Thank you, Judge.

2 (Adjournment taken from 4:58 o'clock p.m. to  
3 9:30 o'clock a.m. on June 28, 2010.)

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Harris - direct by Hamilton

2908

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4

5 I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT  
6 FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED  
7 MATTER

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10 /s/Blanca I. Lara

date

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16 Blanca I. Lara

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17 Date

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